

>> All rise.

The Supreme Court of Florida is
now in session.

Please be seated.

>> We now come to the third case
on our docket, Keck versus
Eminisor.

>> Good morning.

May it please the court.

I am reserving five minutes for
rebuttal this morning.

We are here today because
Mr. Keck claims immunity from
suit under this statute and seek
Certiorari review as the result
of the trial court's denial of
the summary judgment.

The first DCA denied that
Certiorari review on the grounds
that he had not suffered
irreparable harm.

In fact Mr. Keck had suffered
irreparable harm because he
claims immunity from suit.

>> Well, I realize what your argument is.

What I want you to explain is how this case is distinguishable from the department of education versus the Roe case, where we specifically said that on qualified immunity, that these types of immunities governmental entities would not be reviewable and I realize it was a question of declining to adopt a rule similar to talker but really the underlying case was brought in to search.

What would you say the distinguishing facts are because I agree with you it would not be whether it is discretionary or this is just a bus driver.

And maybe I will tell you.

The difference is that this defendant is being sued in its individual capacity and the statute specifically says that

he should not be named as a defendant assuming he is a governmental employee as a defendant of the lawsuit.

>> That is exactly correct.

That is the difference between this case and Roe.

Roe involved the Department of Education that was claiming sovereign immunity and sought interlocutory review of the sovereign immunity.

This is an individual who has a statutory right to immunity.

>> Again, it is because of he is an individual and therefore subjecting an individual to a lawsuit is different than subjecting a governmental entity to a lawsuit?

>> Absolutely and that was some of the language from this court in Roe with when the court indicated that some of the policy concerns and Tucker were

individual governmental employees being sued is not present when the entity itself is being sued.

>> On the other hand if we read Roe for example public officials who defend tort suits are not in a cup personal capacity as a result.

They are not likely to have a chilling effect on the exercise of public officials discretion in the discharge of their official duty, so I would think that with the first District picked up on is that here you have it us driver who is driving in sort of an ordinary negligence situation.

It is really not the kind of discretionary planning level things that we worry about is going to interfere with a public official who is otherwise spending their time having to

defend a lawsuit.

>> The first District became confused with the standard for qualified immunity under section 1983 in the individual governmental, the individual governmental employees immunity and 768.2A.

For qualified immunity the governmental employee must demonstrate that he or she was engaged in discretionary function.

The 11th circuit has defined that function, but I believe that is where the first DCA got confused.

It went back to the issue of Roe.

In the second to last paragraph of the Roe decision there is discussion in this court and it talks about the Amendment of 9.130 for workers comp immunity and there are there was a

statutory scheme that created the exclusive remedy in a workers comp or an injured employee situation that the employee only collects comp benefits and cannot sue the employer.

>> You have the same thing here.

>> What happened in me Maningo, the rule that allowed interlocutory appeal I think has been repealed and we have never once acknowledged that those cases could be brought by search.

My concern here and this case is a discrete case and as a matter of law it can be looked at but what we are looking at is the appellate court, they are searched jurisdiction as opposed to non-final appeals.

It is something we have to carefully consider and so every immunity has the potential that

they are going to be held in court and so the question of what do you distinguish, you have got physical immunities and you have got tribal immunity and you have the whole sovereign immunity which now the Third District has said even if it is against the governmental entity you know they should have cert. We are in a flux in our law and I think this is therefore an important case not just because it is your individual client but before the idea of what should be the use of cert in these cases where we very carefully looked at the venue and we get to bring it.

Would it be better to take it like we did with Tucker where this individual is being sued who is not subject to being a defendant ever, should be reviewable by non-final order.

>> We surely would welcome an Amendment to 9.130 that would include this class of defendant.

We are an individual public employee is being sued and claims immunity under 768.2A and that immunity is denied if the matter of law where there is no factual dispute.

Clearly we would welcome that rule change.

Even if this court were not inclined to move towards a rule change I do believe Mr. Keck nevertheless would be entitled to search review here.

>> Do you agree what I said about Maningo never authorized aid review of workers comp immunity by a competition for rid of serve and we specifically said prohibition will no longer be available.

>> Absolutely and Roe it talks about the statutory

comprehensive statutory scheme
which created the exclusive
remedy.

>> You have the same thing in
760.2 a.

>> That is what I say that but
what it is, if you use it, goes
back to my question.

We have never of knowledge are
recognized of assert review
would be available for a claim
of workers comp immunity.

>> Correct but I think in this
situation where you have
individual immunity where
someone has suffered irreparable
harm because they can't get the
review after trial, they cannot
get re-immunize after trial.

>> They will never have a
judgment against them.

There are two types of issues.

One is you have to be sued in
Clinton versus Jones.

You don't have to worry about

your official duties.

[INAUDIBLE]

Here you have got a situation where -- one is not having to go through a trial but the other is you don't get a judgment against you and that is probably from the individual point of view.

The critical thing is they don't have a judgment entered against them.

They are still able to preserve that after trial.

>> Of course that is important to the individual but the Florida legislature has specifically spoken and said they should not even be standing trial.

They should not incur the expenses.

>> No, like I said I think that is a good distinction from Roe and I understand that, so how were the would the rule of law

then read as to sufficient cert?

What would we say?

Irreparable harm is established?

As a matter of law and there is
no factual dispute.

>> There you are getting into
though it is still irreparable
even though -- it is just not
capable of being decided at that
time.

>> That is correct.

If there's a there is a factual
dispute as to whether not they
were in the course of their
employment or acted in bad faith
and did not fall within the
confines of that statute the
jury is going to have to decide.

>> There you don't have the
departure from law because you
can't determine what the facts
are to be able to say that there
was that kind of air or.

>> That is exactly correct and
that would be -- that would not

be the situation on cert.

>> Was there a factual dispute
as to whether or not his
employer was a state entity?

>> It is not a factual dispute.

It is a legal dispute.

The facts are indisputable.

Actually on page 16 of the
respondents answer brief, they
acknowledge that Mr. Keck's
employer the Jax management
Corporation is an
instrumentality of the JTA so it
is a legal issue as opposed to a
factual issue with regards to
whether Mr. Keck falls within
the definition of a state
employee or more specifically --

>> What did the trial court say?

>> The trial court said that the
JTM, the employer of Mr. Keck
does not fall within the
definition of subdivision two.

We strongly disagree with that.

The JTA in Florida statute 34902

and 34903 has said JTA is an agency of the state.

The trial court found JTA is an independent establishment and even if the JTA weren't an independent establishment I think this corporation acting as an instrumentality would still fall within that definition of state agency or subdivision.

>> Going to that second issue, I was interested in the advantages that employees of a bus company, a public us company, had which is they get their private pension and they get private union.

What happens when all the employees have to suffer like we have had to percentage decreases in our pay, all of those things.

Does that apply across the board to these employees or do they have their own ability to negotiate their contracts?

>> I don't know the status of their pension benefits.

>> I mean, they want to be private for some purposes but then public for others.

Isn't that what the judge is really finding?

>> In fact the legislature by including them in the definition of state agency or subdivision of 768.28 includes within the definition operations acting primarily in the instrumentalities of the municipalities.

Employees of those corporations by definition are not going to be eligible to be in the state pension plan and likewise would have the right to strike and whatever private employee benefits they might have, but nonetheless the Florida legislature included the term corporations acting as

instrumentalities of the state
agencies within the definition
of state agency or subdivision.

>> They made the statutory
construction argument though
that that really -- the employer
is -- it is one step removed.

They are not an employee of JTA,
which is an instrument tally.

They are an employee of the --

Can you address that?

I'm trying to understand that.

>> What the respondent argues is
that the JTA is not an agency of
the state of Florida but an
instrument, or an independent
establishment of the State.

>> Do you agree with that?

>> Absolutely not.

>> That is the first issue of
law that -- that is an issue of
law?

>> It is a question of law and I
do not agree with respondent's
position on that but even if the

respondent were correct that the JTA is an independent establishment of the state and not an agency of the state contrary to what the legislator said in Chapter 349, but even if the respondent was correct if you look at the statute of 768.28 it has three specific subparts all separated by semicolons.

The first one which is what defines the state for purposes of that statute is the executive department, the legislature, the judicial branch including public defenders and independent establishments of the state including State University Board of Trustees so even if JTA was an independent establishment of the state and I'm not saying they are, but even if they were, a corporation acting as an instrumentality of the

independent establishment of the state would nevertheless fall within the definition of state agency or subdivision.

>> Okay, if they are an independent establishment, are you saying that your clients employer was an instrumentality of the independent establishment?

>> Well I am saying JTA is a state agency that if I buy the argument that he would be an employee of an instrumentality of an independent establishment of.

>> We are having some difficulty figuring this out.

Let's say, I'm not sure about this.

Is there any precedent on this subject?

>> There is one case out of the second District called Pagan versus Sarasota County hospital

District and that clearly was an independent establishment of the state.

It was a hospital District created by the state and in that situation there was a corporation created.

I forget the name of the corporation but there was a corporation created for the purpose of employing physicians so they could still have the income of private practice but be protected from medical malpractice lawsuit.

In that case although didn't dig down into the statutory interpretation it was a question of control but in that case the Second District concluded the employees of that instrumentality of the independent establishment were entitled to sovereign immunity.

>> What I was getting at is how

is it that an ordinary statutory construction argument is departure from the essential requirements of law.

I would have to concern itself because it is an extraordinary risk with something more than legal error.

In other words say -- the second one though is different as far as extraordinary risk.

You might be right in writing you might be wrong, and therefore how do you get without perverting departure from the essential requirements of law?

>> There is a statute here that confers upon Mr. Keck immunity from suit interbreeding the statutory provisions.

>> And I agree this is an ordinary employee of the state that has just been sued.

He was not acting in bad faith.

There is no question but what I

am saying is aren't we
construing something for the
first time and I don't see how
that is equated with departure
from the law.

>> I believe when the trial
court interprets a statute in
the situation erroneously in
such a way that denies somebody
immunity from suit in my opinion
that is a departure from the
essential requirements of law.

I see I'm writing out of time in
cutting deeply into I rebuttal
time so I will sit down at this
point and thank you.

>> Good morning.

I am here on behalf of Ashleigh
Eminisor and on the question of
jurisdiction, we have actually
adopted the same position as the
city.

>> I'm surprised about that.

I would think there would be a
lot of places around the state

where would the --

[INAUDIBLE]

>> Yes I understand, and we have to represent the best interest of our client.

And the best interest of our client really is to try to have this resolved.

Our client would like to have this resolved too.

It has been six years since the accident happened at it could be another six years, where there is an important question of law here.

In Pagan case really in the opinion itself in a concurring opinion we then say Justice Canady that we are not getting to some of the quality issues under 76828.2.

This is an important question of law that this court should decide and on behalf of our client, we would like to have a

ruling and our client would like
to have a ruling.

>> Well I mean you certainly are
well experienced lawyer to know
that concession of jurisdiction
if the court has a jurisdiction
is meaningless.

>> I think there are two cases.

>> I mean the jurisdiction of
any court to entertain a
Certiorari petition under the
circumstances.

Not here.

Just because you want it doesn't
mean -- you will be affecting
thousands, possibly thousands of
other situations with what
Certiorari jurisdiction really
is and because it is
discretionary it becomes a
monster.

Why would it not be better --
let's just have a rule.

Let's just have a rule like we
have the interlocutory appeals

and there are no differences
from District to District and it
is simple, it is concise and to
the point and we can review
immunity issues in that fashion.

>> That is something we have to
look at because it is coming up
all the time.

We have one from the third
District where all of a sudden
courts are starting to use cert
to circumvent the nonfinal
order.

If this is so important to the
state that they not have both
defendants coming in and being
brought into court when there is
no legal right to do so, then we
ought to have that class of
nonfinal order.

As Justice Lewis said if it is
in a uniform wave where we don't
have to worry about us section
of departure from the crimes of
lie can be reviewed as, and I

guess what you are saying is you wouldn't be opposed to that, but we certainly have to make sure that there is the impact on the appellate court is not unduly burdensome because there are a lot of these cases.

>> Yes, I would not be opposed to such a rule.

The court in this case --

>> I understand.

We certainly got you.

>> And I say --

>> We just want to get the benefit of that rule.

>> In the two cases where the rule was adopted, they actually gave them the benefit of those rules at the time and again I do see a difference between individual immunity from where you can and I guess we go to the second point.

You cannot name this person as a defendant.

This was somebody that was just
an employee of the Department of
Transportation, right?

You know you can't even make him
as a defendant, correct?

>> Correct.

>> Now I guess we get to your
point about why isn't he just
like a employee of the school
board, Department of
Transportation, any of the
myriad of institutes that the
state says no, you cannot ring
them into court.

>> Because he and his employer
are too far removed from the
essential functions of
government.

From state government to county
government to local government
and they are far removed.

Now but it is important to
remember even under the common
law, because this gives us a
rule of construction, even under

the common law, state employees,
public employees have no
immunity for tort.

That is the Talmadge case back
in 1980 and that was the same
for proprietary entities such as
JTM.

>> Let me ask you this.

Would you concede that if the
defendant were an employee of
the JTA, directly an employee of
the JTA, that he would he
entitled to this?

>> Yes, Sir.

>> Immunity?

>> Yes, Sir.

>> Okay well the JTA gets the
immunity and whatever immunity
they get from sovereign immunity
their employees get.

>> Correct, yes Sir.

>> Isn't the reality based on
the facts that are undisputed
here, that he is functioning as
essentially totally under the

control and the beck and call of
the JTA.

>> Will we see the control is
totally with JTA.

His paycheck comes from JTM I
believe and JTM is set up solely
as a sham for the course of this
state to really support this
sham of an arrangement where
they just have a Corporation.

This company that was private
and bought by the city and when
they bought it part of the deal
was we have got to set up a
private corporation so that our
bus drivers can continue to
strike and can continue to have
their own private pension.

So we have this sham arrangement
but the court said --

>> But the fact is there is that
arrangement for purposes of the
labor law.

Why should that affect the
ability of this individual

employee who is not responsible
for that.

He is just doing his job,
driving a bus and maybe he is
negligent.

Maybe he wasn't.

That is something you can have
an argument about that he was
negligence doing this job,
driving a bus, why should he get
individually dragged into court?

>> When any other public
employee, an employee working
for a public entity would not be
dragged into court?

>> But that is the important
thing, he is not a public
employee.

He is not working for public
entity.

>> Besides him, who did you sue?

>> We also sued JTM and we also
sued JTA.

The petition was filed on behalf
of Keck.

Maybe on the --

>> But who is being sued as the employer of Keck?

>> The employer of Keck is JTM.

JTA is an independent establishment of the state.

Half appointed by the governor and half of pointed by the mayor that referred to as independent authority.

>> It looks like this whole area of -- every time I pick up the paper we are privatizing some other government activity and we are really headed for a real disaster if we get into this Certiorari with every relationship that is going to exist in the way that I see this time flowing.

>> I agree with that Your Honor but I also agree we are headed for, and we are getting this tremendous expansion of governmental immunity because of

the wrong interpretation of
768.282, which we are allowing
spurred their steps removed from
what your government employees
are.

>> Who is the Corporation
primarily acting as an
instrumentality of the state?

Which entity is?

>> The alleged Corporation
primarily acting as an
instrumental talent he is JTM,
not JTA.

JTM and the state.

You notice here doesn't say
state and it doesn't say again,
independent establishments of
the state.

It says state, counties and
municipalities.

Not being repeated, you don't
have -- these are people that
have immunity or limited
liability which ever way you
want to look at it.

Those are separate questions but
it is a state which is a
judicial executive and
legislative branch.

It is counties and municipality
is.

There are also independent
establishments of the state that
have immunity and there are also
corporations who are primarily
acting for the state and for the
county and for the
municipalities.

What they want to do is say
okay, we will put this
Corporation out here.

It goes to the independent
establishment and then it goes
to the Corporation and that is
the wrong interpretation.

>> Right after corporations are
primarily acting as instrument
hell is that the state they go
on to state counties or
municipalities.

>> Yes, counties are or menace

of how these.

It is a Corporation primarily
acting as an instrumentality of
the state or a county or a
municipality.

That Corporation does have
immunity.

This Corporation is not.

This Corporation is primarily
acting on behalf of JTA, which
is an independent, an
independent authority which
doesn't have the control that
your government has.

>> Excuse me.

Do you agree that JTA is in fact
a state municipal agency?

>> Yes, not state, not state.

JTA is an independent
establishment of the state is
what JTA is.

JTA's an independent and
independent establishment of the
state.

>> What about a school District?

>> Whether a school District is a county or municipality, school District has elected, a constitutional -- .

>> But you agree that JTA falls under the immunity statute.

You are staying JTM is not a Corporation primarily acting as an instrumentality or agency of the State?

>> Of the state, correct.

>> But then it goes back to they define state agencies -- I mean there are some awkward draft in here.

>> Yes, there is.

They wanted to say state including an independent establishment of the state.

The state and independent establishments of the state mean exactly the same thing.

Obviously it doesn't because in the first part of this

subsection they had to be
separately listed.

Now we get to the second part.

You could have easily in
drafting said state including
independent establishments of
the state or they could've said
corporations primarily acting as
an instrumentality or agency of
any of the above.

>> Has this argument ever been
made?

>> Never been made.

>> So let me go back -- I know
you apparently are anxious
for us to resolve this question.

How is it a departure from the
essential requirements of law
that must be resolved now?

>> This court.

>> You may be right.

>> I understand but what I would
say the important question of
law, the very important question
of law.

>> The important question of
lies and a departure from the
central requirement of the law.

>> I can see that Your Honor and
what I would say --

>> You are wanting us -- and
this is my problem, to reach
something so your client can
have early resolution of
something.

You want us to do something that
may change the law of
Certiorari?

>> Once this court has accepted
jurisdiction, it can take up any
issue it wants under Tillman.

>> We are going to say this
could be brought by cert but we
are now going to decide whether
we would decide the second issue
which is whether he meets the
requirement of the statute or
not?

Is that how you would want us to
write an opinion?

[INAUDIBLE]

>> I realized it is in navigated
but sometimes people don't
realize we have a greater
obligation to make sure the laws
stable in this area.

I mean as long as you were
saying -- what does it matter if
you do have this defendant and
or not?

What is so important about
this? Do you think you can get a
judgment for him in excess of
100,000?

>> Well in excess.

>> Can't you have that by having
the employer in there?

>> That is what we have.

We have JTM in there and the
ruling of the lower court was
that neither JTM nor Keck had
the right to sovereign immunity.

>> The only issue being brought
up here is where the individual
defendant --

>> That's right.

Keck only has sovereign immunity
if JTM has sovereign immunity.

>> That we are not deciding that
issue, are we?

>> In deciding Keck if has
sovereign immunity, you would be
deciding JTM also has sovereign
immunity.

He is an employee of JTM.

>> We ought to look at that
issue.

We have to look at this and
deciding if JTM has it.

>> Correct.

>> Let me ask you this.

Was it the trial court's
decision on the issue of
statutory interpretation
inconsistent with the result
reached in a Pagan case, however
you want to pronounce it?

>> I don't think so.

>> That helps you get cert.

[LAUGHTER]

That doesn't mean we have to agree with that.

We can still take a fresh look at that but that would essentially help on the cert issue.

>> Well, it depends upon how Pagan -- here's the distinction.

>> As I recall Pagan, the majority actually said the case was no case or something.

I didn't know a court could do that.

>> Yes, the concurring opinion says watch out you can't do that but then it said the concurring opinion said, we no we are not reaching public policy issues here.

>> There were constitutional issues that had not been briefed or just weren't an issue.

>> Right and nothing was briefed on the question of the interpretation of 768.28,

subsection two which is they
definitional section, the
critical section of the whole
sovereign immunity statute.

How many fall under this
umbrella as it keeps spreading
and spreading?

>> In Florida we have had in the
educational arena relationship
similar to this for years and
years and are there not
authorities, I would ask both
sides?

The Tallahassee Marine Institute
entered into contracts with
folks to perform certain things
and it is my understanding, I
thought there were cases in that
context that described who did
and who did not have immunity
under Florida's statute of
sovereign immunity that address
specifically that issue and
individuals who worked for that
entity that is contracting with

Marine Institute.

For example taking the kids on boats, taking the kids on different things, transporting the kids.

Is it not answered in that context?

>> It is the question of how to interpret 768.28 subsection to the definitional section is never been addressed.

There are a number of cases that have addressed the question of control.

Control is a necessary thing for sovereign immunity, but it is not sufficient.

You also have to be one of the entities that falls within --

>> From what you've described these would necessarily involve them because the Marine Institute, an educational institution, certainly subject to the control created through

the authority of the government
and then you have, such as the
JTA, and then you have someone
contracting with them just as
JTM.

>> There is no case that we have
found that has ever argued this
question of the definition
definition of 760.28 subsection
2.

>> Before you are saying all of
those had been decided on
control issues.

How are those different from
your situation?

>> Well I would have to take
them up individually.

Sometimes they are contracting
with H.R.S. and sometimes they
are contracting with someone who
is clearly the state.

Ours is so far removed.

>> But not so far.

>> Give me three steps.

>> No really, the issue now

focuses on JTM even though we
are not deciding them, have
sovereign immunity.

>> Correct.

>> And that -- you are claiming
it is a private corporation but
it is not an independent
establishment.

>> It is not.

>> And nobody is arguing it is?

>> Nobody's arguing it is.

JTA is an independent art --
establishment of the state.

In this case it is not executive
branch of state government.

Is not judicial.

It is not legislator.

It is not a school board.

It has immunity because it is an
independent establishment of the
state.

It has appointed members by the
governor, three by the mayor and
it does its own budget.

Which is not huge to do in

Jacksonville but all of these
authorities saying there is
legislation.

>> You are now in overtime but I
will give you 30 seconds if you
want to sum up.

>> No Your Honor.

Thank you very much.

I hope we have done a good job
of presenting what is really an
important issue about the
sovereign immunity and the
interpretation to the statute,
interpretive of favor of
immunity in the causes of
interrogation of the common law.

>> In my little amount of time I
have left I want to address a
few issues.

First of all to clarify one
thing there are in fact two ways
in which Mr. Keck enjoys
immunity from suit here.

One way is what we have talked
about the status is an employee

of the JTM which is an
instrumentality of the JTM.

>> But, an instrumentality of
the state and what you have to
do then is go back and say the
state includes independent
establishment of the state.

>> Right which is what the
legislature did in the first
clause.

>> It could have been a little
clearer.

>> At not only grants employs
immunity that grants agents
immunity and this court and the
Stoll versus Noel, it says an
agent can be a governmental
entity if they are so controlled
by the governmental entity which
is about the case here they
therefore would be entitled to
be considered an agent and fall
under that statutory statute.

I consider JTA to be a state
agency or subdivision.

>> You agree, they come in as an independent establishment of the State?

>> No, and in fact I believe they come in as the state itself in 339.04 or I'm sorry, 34902 and 03 the Florida legislature's as if it be said they are an agency of the state as opposed to some of the other independent establishments like the one in Pagan where there was no such indication in the enabling legislation.

[INAUDIBLE]

>> If you accept the respondents argument that they are an independent establishment, I don't accept that but if you accept the argument it does control but I don't believe they are an independent establishment.

I believe the JTA is the state because that is what the

legislature has said.

The other thing the court has concern on is unduly burdening the burdening the District Court of Appeal with the rule is expanded 9.130.

I would just direct the course attention that since 1980, since the individual immunity and I nay of the statute is then applied there have been a very few cases addressing 9A and the appellate courts, maybe a half-dozen or so.

>> Do you mean after verdict?

>> After verdict or before verdict.

>> But before verdict they are not reviewing it and it is not a nonfinal order.

I don't think anyone is arguing it is analogous to qualified immunity.

I mean it hasn't been litigated.

>> With all due respect, couple

of DCA's in fact the second easy
on two occasions the Andre
decision and this the Smith
versus Rankin decision reviewed
interlocutory the denial of an
individual's immunity under
paren 9A.

Those cases are cited in our
briefs.

Just to wrap up because I have a
few seconds left, to allow the
first DCA opinion here to stand
here I want to eviscerate the
amenity provided to the
governmental employees in 768.

In addition the trial court's
order the central requirements
of all we talked about so we
would urge this court to answer
the certified question
negatively, reversed the
District Court.

>> You would have us rephrase
that question anyway wouldn't
you?

It would be just is cert
available to a defendant,
individual employee of the
State?

>> That is absolute correct.

The discretionary functions
really do not come into play
here because this is not a
qualified immunity event so we
would urge the court to reverse
the first DCA with directions to
the trial court to enter summary
judgment.

>> Actually I have one quick
question.

The Citizens Property case, are
you familiar with that?

>> I am, yes.

>> I mean, do we have to be
careful to be consistent if we
are going to be discussing cert
which means citizens in this or
do you state again the fact that
this is an individual has been
very different from a state

created insurance company?

>> As you mentioned and as this court mentioned in Roe, the policy considerations of the two are not the same.

Thank you very much.

>> We thank you both for your arguments.