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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION

TORINA COLLIS, : Civil Action No.
Plaintiff, : PJM 06-2451
v. :
BANK OF AMERICA : Greenbelt, Maryland
NATIONAL ASSOCIATION, :
Defendant. : Tuesday, October 27, 2009
/ 10:20 A.M.

TRANSCRIPT OF TRIAL PROCEEDINGS
BEFORE THE HONORABLE PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFF: TORINA A. COLLIS, PRO SE
13240 Star Gazer Place
Waldorf, Maryland 20601
240-508-5498

FOR THE DEFENDANT: ELENA D. MARCUSS, ESQUIRE
DIANA WANG, ESQUIRE
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Baltimore, Maryland 21202
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OFFICIAL COURT REPORTER: LINDA C. MARSHALL, (301) 344-3229

COMPUTER-AIDED TRANSCRIPTION OF STENOTYPE NOTES

1 anything. You have to prove it.

2 MS. COLLIS: That's fine.

3 THE COURT: So that's really just a request to the
4 other side, and they can agree or not agree. And if they don't,
5 so be it. Okay.

6 MS. MARCUSS: The other thing she mentioned was she
7 wanted to supplement on punitives. You've addressed that. And
8 other damages issues, to the extent it's just a guide, we don't
9 have a problem.

10 THE COURT: All right. Well, then there's nothing
11 further that I think needs to be said on the motion to
12 supplement the Pre-trial Order. Obviously, there are some
13 rulings I have to make in the course of the trial.

14 All right. There's a lot on judicial notice here.
15 I'm not sure what you're asking. A lot of stuff here, I'm not
16 sure what the relevance of all this is. I certainly take
17 judicial notice of the local rules to the extent they're
18 relevant.

19 Are you going to -- let me just ask. Is it your
20 intention to try and argue that somehow counsel has made
21 misleading statements during the proceedings? Is that why
22 you're asking me --

23 MS. COLLIS: During the litigation, Your Honor, I feel
24 there was some -- well, I have evidence that there were false
25 statements made to federal agencies.

1 THE COURT: Let me be clear about a couple things,
2 first of all. I'm not going to entertain any, to let you say
3 anything that somehow counsel has misled you during this case.
4 Disciplinary matters are for the Court. Juries have nothing to
5 do with them. So, insofar as there are disciplinary matters,
6 it's just not the jury's concern.

7 If you can demonstrate with relevance to this case,
8 and I have to hear it in the specific instance we're talking
9 about, that Bank of America made some false statements relevant
10 to this case, then it may in fact be relevant. But just to talk
11 about Bank of America telling untruths in some other context,
12 we're not going to get into that either. We're trying one case
13 here.

14 MS. COLLIS: Right.

15 THE COURT: It's Torina Collis' case for retaliation
16 and not Bank of America, good guy/bad guy. That's not what this
17 case is about.

18 MS. COLLIS: But it's surrounding the termination and
19 the write-ups.

20 THE COURT: Well, I'll have to see how you propose to
21 do it. Give me a for instance. What is it that you're saying?

22 MS. COLLIS: Okay. I was written up the evening
23 before my termination, two write-ups and one was back-dated.

24 THE COURT: Okay. Who did that?

25 MS. COLLIS: Melody Vaughn.

1 THE COURT: Okay. Is she an employee of the bank?

2 MS. COLLIS: She was my manager then.

3 THE COURT: Okay. Well if you've got evidence of
4 that, you can testify to that.

5 MS. COLLIS: Right. And then they went to the agency.

6 THE COURT: They being?

7 MS. COLLIS: I'm sorry. Bank of America, through
8 their counsel, went to the Department of Labor and told the
9 Department of Labor, see, she was written up twice two different
10 days. Therefore, we had to terminate her.

11 THE COURT: All right.

12 MS. COLLIS: Then they come to this Court, once it's
13 in federal court, and say that I stormed out of the meeting when
14 they gave me the two write-ups on the evening on the 24th,
15 totally contradicting.

16 THE COURT: Well, if you can demonstrate that in fact
17 they gave different, that in fact representation was made one
18 way or another that's not accurate as far as what happened, you
19 can show the inaccuracy. Ms. Marcuss.

20 MS. MARCUSS: Your Honor, may I address that? The
21 alleged misrepresentation was in the administrative proceeding
22 in the SOX matter to the Department of Labor. It's of
23 absolutely no relevance to this lawsuit. To the contrary, to
24 this lawsuit, we have been consistent throughout that both
25 written warnings, counselings were given to her on the same

