



U. S. Department of Justice

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March 19, 2011

TRANSMITTED VIA EMAIL

Janet I. Levine
Crowell & Moring LLP
515 South Flower Street, 40th floor
Los Angeles, CA 90071

Re: United States v. Enrique Faustino Aguilar Noriega, et al.
CR 10-1031(A)-AHM

Dear Counsel:

The government writes in response to your letter of yesterday, March 18, 2011, to which you attached a number of prior communications requesting various information. In your letter, you state (through your assistant) that the government “ha[s] not yet responded” to any of these prior requests. (3/18/11 Levine Let. at 1). This statement is untrue. Nevertheless, the government responds below to some of your inquiries. To the extent that a particular request is not specifically addressed herein, please be advised that the government is aware of its disclosure obligations and will continue to comply with them.

1. Summary Testimony and Exhibits

The government intends to call Special Agent Dane Costley of the Federal Bureau of Investigation (“FBI”) to testify as a summary witness. He was included on the witness list filed by the government on February 15, 2011.

Agent Costley is expected to testify about, among other things, (1) payments received by defendant LINDSEY MANUFACTURING COMPANY (“LMC”) as a result of contracts it had with Comision Federal de Electricidad, (2) invoices issued by Grupo Internacional De Asesores S.A. (“Grupo”) to LMC, (3) wire transfers made by LMC to Grupo, (4) transactions involving Grupo funds, (5) transactions involving Sorvill International S.A., and (6) various correspondence relevant to this case. To be clear, this is a non-exhaustive list of the matters that Agent Costley might be called upon to summarize for the jury.

The government is in the process of preparing summary exhibits and will provide them to you as soon as they become available. These exhibits will be based on materials you currently possess and perhaps on other materials produced between now and the time Agent Costley testifies.

2. Henthorn

You have requested materials pursuant to United States v. Henthorn, 931 F.2d 29 (9th Cir. 1991). (See 3/18/11 Levine Attach. at 1, 3). Please see the attached March 15, 2011 government letter.

3. Special Agents Farrell Binder and Susan Guernsey

You have requested, pursuant to Jencks v. United States, 353 U.S. 657 (1957), and Brady v. Maryland, 373 U.S. 83 (1963), certain materials related to FBI Special Agents Farrell Binder and Susan Guernsey. (See 3/18/11 Levine Attach. at 4). Please see the attached March 15, 2011 government letter.

4. Wells

You have requested a “Wells” notice (and response) sent to (and submitted by) Jane Bates, one of the government’s potential witnesses. (See 3/18/11 Levine Attach. at 7). Please see the attached March 18, 2011 government letter.

5. SEC Notes

You have requested notes taken by the Securities and Exchange Commission during an interview with Eduardo Bustani, one of the government’s potential witnesses. (See 3/18/11 Levine Attach. at 7). Please see the attached March 18, 2011 government letter.

6. 15 Missing Pages

You have requested 15 pages of material that appear to be missing from a March 10, 2011 discovery production. (See 3/18/11 Levine Attach. at 8-9). As indicated by the attached March 18, 2011 government letter, the government sent these 15 pages to you on a CD yesterday. The government has since learned, however, that this CD was corrupted. The government will send the materials to you again.

7. Lindsey_Misc-026146-47

You have requested original emails sent to the FBI by one of the government's potential witnesses. As you know, verbatim transcriptions of these emails were produced to you as Lindsey_Misc-026146-47. Nevertheless, printouts of these original emails, with appropriate redactions, will be produced shortly.

Should you have any questions or concerns regarding any of the information set forth above, do not hesitate to call us or send us a letter.

Very truly yours,

ANDRÉ BIROTTE JR.
United States Attorney

_____/s/_____
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Attachments

cc: All Other Defense Counsel of Record