

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA)	Criminal No.: H-97-93
)	
v.)	Violations:
)	
MARK ALBERT MALOOF,)	15 U.S.C. §1
)	18 U.S.C. § 371
Defendant.)	FILED 6/13/97

**UNITED STATES' RESPONSE TO DEFENDANT'S
MOTION FOR LEAVE TO FILE ADDITIONAL MOTIONS**

The United States, through the undersigned attorney, hereby responds to the defendant's Motion for Leave to File Additional Motions.

The government has no objection to the defendant's request for leave to file additional motions after the June 12, 1997, due date in the Court's scheduling order, provided that the extension applies to both parties.

In his Motion, the defendant indicates that the government is denying him discovery in this case. Motion at 1-2. The government stands ready to fulfill its obligations under Rule 16, Jencks, and Brady. Because the government believes that defense counsel are party to a joint defense agreement and would feel obligated to disclose material otherwise protected by Fed. R. Crim. P. 6 to targets and subjects of the government's ongoing grand jury investigation, the government has filed a Motion for Protective Order in this case. In addition, many of the subjects and targets of the ongoing grand jury investigation are also named defendants in the pending civil case before this Court, Caddell Const. Co., Inc. v. Hiplax Int'l Corp., et al., Master File

No. H-96-3490. Given the motion for an order to stay civil discovery pending before this Court in that case, release of criminal discovery without a protective order will severely undermine any such order by the Court as well as seriously compromise the ongoing grand jury investigation. Accordingly, the government has asked this Court to enter a protective order before discovery is made available to the defense.

In conclusion, the government does not object to the defendant's request for leave to file additional motions beyond the June 12, 1997 due date, provided that the extension applies to both parties.

Respectfully submitted,

/s/

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UNITED STATES OF AMERICA)
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 v.) Criminal No. H-97-93
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 MARK ALBERT MALOOF,)
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 Defendant.)

ORDER

Upon consideration of the defendant's Motion for Leave to File Additional Motions and the response of the United States,

LEAVE IS HEREBY GRANTED to allow the defendant and the government to file additional motions after June 12, 1997.

DONE AND ENTERED THIS ____ day of _____, 1997.

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the United States' Response to Defendant's Motion for Leave to File Additional Motions was sent via Federal Express this _____ day of June, 1997, to:

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