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# EXHIBIT K



**U.S. Department of Justice**

**Criminal Division  
United States Attorney  
Central District of California**

[REDACTED]  
Assistant United States Attorney  
[REDACTED]

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April 4, 2011

Via Email

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

Dear Counsel:

Pursuant to your request for discovery and the Court's order, attached is a supplemental discovery production of documents and the contents are detailed below:

1. Federal Bureau of Investigation (FBI) Memorandum of Interview (Form 302) for Greg Heath dated 03/31/11. (Bates stamped Lindsey\_DOJ\_025644).
2. FBI Memorandum of Interview (Form 302) for Allen Giswein dated 03/30/11. (Bates stamped Lindsey\_DOJ\_025645).
3. FBI Memorandum of Interview (Form 302) for Patrick Rowan dated 03/30/11. (Bates stamped Lindsey\_DOJ\_025646- Lindsey\_DOJ\_025647).
4. FBI Memorandum of Interview (Form 302) for Danny Fonseca dated 03/31/11. (Bates stamped Lindsey\_DOJ\_025648).
5. FBI Memorandum of Interview (Form 302) for Fernando Maya Basurto dated 04/04/11. (Bates stamped Lindsey\_DOJ\_025649).

The enclosed materials and any future discovery provided to you, which may exceed the scope of discovery mandated by the Federal Rules of Criminal Procedure, federal statute or relevant case law, is provided voluntarily and solely as a matter of discretion. By producing such materials to you, the government does not waive its right to object to any future discovery requests beyond the ambit of its legal obligations.

With this letter the government renews requests all reciprocal discovery to which it is entitled under Rules 16(b) and 26.2 of the Federal Rules of Criminal Procedure.

Very truly yours,

ANDRÉ BIROTTE JR.  
United States Attorney

/s/ [REDACTED]  
[REDACTED]  
Assistant United States Attorney

[REDACTED]  
[REDACTED]  
Senior Trial Attorneys  
Fraud Section  
United States Department of Justice

Enclosures

FD-302 (Rev. 10-6-95)

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 03/31/2011

Greg Heath (Heath), telephone number [REDACTED] was interviewed telephonically by SA Farrell A. Binder. After being advised of the identity of the interviewing agent, Heath provided the following information:

Heath worked at Lindsey Manufacturing (LMC) in 2003 and 2004. Heath interviewed with Keith Lindsey (Lindsey) to get the job at LMC. Heath was the Materials Manager at LMC and reported directly to Lindsey. Heath's main job was as project manager to implement an ERP software program called "Made to Manage." The program helped with inventory planning and data, and calculated supply and demand.

LMC made emergency tower systems that erected quickly if towers went down. Heath believed that LMC had contracts with Mexico and South America. LMC employed contract sales people. Lindsey and his "financial guy", an Asian male (name not recalled), knew the most about the contracts. Lindsey and the "financial guy" would have been directly involved in the contracts and pricing. Possibly one sales person would have also known about the contracts.

Heath's job was internal. He planned and prepped to implement and ship orders from LMC. Heath recalled that LMC had pictures in the LMC conference room of crews and celebrations. Heath was pretty sure the pictures were from Central and South America.

Heath left LMC because he had implemented the "Made to Manage" Program. When he started at LMC, it was understood that he would be there temporarily, for one to two years. Heath lives in Laguna Niguel and the drive to Azusa was long. After the "Made to Manage" software was implemented, it was mutually agreed that Heath would leave LMC to do something else.

Investigation on 03/31/2011 at Los Angeles, California (telephonically)

File # [REDACTED] Date dictated \_\_\_\_\_

by SA Farrell A. Binder <sup>FK3</sup>

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 03/31/2011

Allen Giswein (Giswein), telephone number [REDACTED] was interviewed telephonically by SA Farrell A. Binder. After being advised of the identity of the interviewing agent, Giswein provided the following information:

Giswein worked at Lindsey Manufacturing (LMC) from about 2002-2004 as a machinist. As a machinist at LMC, Giswein did lathe work and millwork on the swing shift. Giswein recalled that some of Lindsey's products were sold internationally, including to Mexico. LMC made temporary towers and high power towers. Giswein's boss was the shop foreman, possibly named Gary (last name unknown).

Giswein, as a machinist, had no contact with anyone regarding commissions. Giswein said commissions would have been handled by people who worked in LMC's front office. Giswein could not recall the names of LMC employees that worked in the front office.

Investigation on 03/30/2011 at Los Angeles, California (telephonically)

File # [REDACTED] Date dictated \_\_\_\_\_

by SA Farrell A. Binder *FAB*

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 03/31/2011

Patrick Rowan (Rowan), telephone number [REDACTED] was interviewed telephonically by SA Farrell A. Binder. After being advised of the identity of the interviewing agent, Rowan provided the following information:

Rowan worked at Lindsey Manufacturing (LMC) from September 12, 2001 - April 2005 as a design engineer. Rowan's boss was AJ Bhakta (Bhakta) and then Steve Schofield after Bhakta left LMC. Rowan heard from Bhakta that LMC had trouble regarding a Mexican job.

Rowan recalled that the Mexican job was discussed internally at LMC. While at LMC, Rowan heard employees discussing that LMC would get a big Mexican job in the next six months. When Rowan left LMC, the big Mexican job still had not been awarded to LMC. However, Bhakta told Rowan that LMC got the job after Rowan and Bhakta left LMC.

Rowan recalled talk at LMC that the Mexican job was going to be really big, but Rowan did not know how big the job actually was. Rowan recalled that there were a couple of salesmen who were at LMC at the time, but he could not recall their names. The discussion about the big job was ongoing, because LMC was previously having trouble getting jobs in Mexico and LMCs employees were often discussing the big Mexican job. Rowan "kissed off" the big job because it kept getting pushed back.

Rowan recalled that Mexico was going to buy existing products from LMC. Rowan explained that LMC manufactures Emergency Restoration Systems and there were other companies that made the same product. Rowan felt that Keith Lindsey (Lindsey) was recognized because he was able to provide calculations "and so forth" and was pretty good at it. However, what LMC made was pretty routine stuff and other companies could make the same thing. Because of this, Rowan said that people would be crazy to buy LMC.

Miguel Cortez and Sergio Cortez were brothers who were

Investigation on 03/30/2011 at Los Angeles, California (telephonically)  
File # [REDACTED] Date dictated \_\_\_\_\_  
by SA Farrell A. Binder *FAB*

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[REDACTED]

Continuation of FD-302 of Patrick Rowan, On 03/30/2011, Page 2

sales people who spoke Spanish but had no technical capabilities. The Cortez brothers did a lot of "interfacing" with Mexico. Rowan helped Lindsey with other countries, but was not asked to do anything with Mexico. Rowan was sure that people at Lindsey were frustrated because representatives would have to requote Mexico for jobs. Rowan, however, did not hear about the frustration directly. It would have been the sales people who were frustrated.

Phillip Spillane became the Vice President of Sales and Marketing after someone else (name not recalled) left the position in 2004. Rowan did not know what the big job in Mexico was that LMC got after he left. He just knew there was talk about it before he left LMC.

LMC included a "bunch of people picking up after Keith." Lindsey ran the company and made the contacts. There was no job of any size that Lindsey did not oversee. Lindsey was in charge and knew what was going on at LMC. Lindsey knew the technical aspect of LMC and, as president, had to know what else was going on.

Rowan left LMC because he was a design engineer and at LMC, they did not have any real products, except their tower systems, which were already at LMC when Rowan was hired. For example, if the French wanted something a little different, Rowan designed it, which took three months. Other than that, there was not much for Rowan to do at LMC.

Bhakta was the person who got Rowan to get a job at LMC. After Bhakta left, Rowan stayed at LMC for a while, but then left as well. LMC did not really make products, they just had towers. When there was a tower order they would go "full tilt" and then it was slow until the next order.

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 03/31/2011

Danny Fonseca (Fonseca), telephone number [REDACTED] was interviewed telephonically by SA Farrell A. Binder. After being advised of the identity of the interviewing agent, Fonseca provided the following information:

Fonseca worked at Lindsey Manufacturing (LMC) from 2003 or 2003 until the summer of 2007 in the Department where they casted molds for high voltage insulators. Fonseca also helped the shop when they were busy, packaging aluminum and putting them in containers for shipping. Fonseca's supervisor was Ron (last name not recalled). Prior to Ron, Fonseca's supervisor was and Egyptian man named Awad or Gawad (last name unknown), who got gangrene when he went on a trip to Egypt.

LMC shipped a lot of high voltage insulators to Mexico. Fonseca recalled that once, people from the Mexican government walked the yard. Fonseca said that he was told that the people were clients from Mexico. Fonseca advised that Mexico was one of LMC's consistent clients. When the clients from Mexico visited LMC, he recalled that people at LMC were asking for suggestions for a nice place to take them for dinner.

Fonseca said that it was not his area, but that anyone in the front office at LMC would know about the Mexican clients. Fonseca said that one person who may have more information about LMC was Luis (LNU). Fonseca said that the shop manager for manufacturing was Rick (LNU).

Fonseca advised that he would not hear what went on in the office and he did not hear about conversations that took place there. Fonseca recalled that Steve Lee (Lee) was a "hands-on" vice president who "walked the yard." Lee did not discuss what went on in the office with Fonseca.

Investigation on 03/31/2011 at Los Angeles, California (telephonically)  
File # [REDACTED] Date dictated \_\_\_\_\_  
by SA Farrell A. Binder <sup>FKD</sup>

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Lindsey\_DOJ\_025648



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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 04/04/2011

FERNANDO MAYA BASURTO, previously interviewed on 7/29/2009, 8/5/2009, 9/1/2009, 9/3/2009, 11/3/2009, 2/11/2011, 3/31/2011 and 4/1/2011 was interviewed at the Metropolitan Detention Center in Los Angeles, California. Also present were Department of Justice Trial Attorney Nicola Mrazek, and IRS Special Agent Rudy Mendoza. After being advised of the identities of the interviewing Agents and Attorney and the nature of the interview, BASURTO provided the following information:

CARLOS ROVIRA BARKER (ROVIRA) owned a Volvo and a BMW sport coupe. ROVIRA did not drive these cars to work because he had a vehicle from CFE. ROVIRA could not have afforded these cars on his government salary. After JOHN O'SHEA was terminated, ROVIRA made a comment about how long it took for them to structure everything. ROVIRA and BASURTO discussed Esimex filing a civil lawsuit against ABB. ROVIRA also stated that he had already made a lot of money.

BASURTO was shown a photo marked Government Exhibit (GX) 10. BASURTO identified the man in the photo as NESTOR MORENO.

BASURTO was shown a photo marked GX11. BASURTO stated that the man in the photo looked like ARTURO HERNANDEZ.

Investigation on 4/4/2011 at Houston, Texas (telephonically)  
File # [REDACTED] Date dictated 4/4/2011  
by SA Kendall L. Hopper:klh

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Lindsey\_DOJ\_025649