

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA) Criminal No. 00-033
)
v.) Judge Marvin Katz
)
MITSUBISHI CORPORATION,) Violations: 15 U.S.C. § 1 and 18 U.S.C. § 2 (a)
)
Defendant.) Filed: 01-25-01

**GOVERNMENT’S RESPONSE IN OPPOSITION TO DEFENDANT’S
MOTION DIRECTING THE GOVERNMENT TO DISCLOSE IN
ADVANCE ANY INTENDED VISUAL MANIPULATION OF EXHIBITS**

Defendant Mitsubishi Corporation has moved the Court for an Order directing the Government to disclose at least 48 hours in advance any intended use of computer technology to visually manipulate exhibits. The Government respectfully requests that this motion be denied as premature.

The Government and the defendant have both agreed to have available a computer software program which will allow an attorney to display an exhibit in its original form and highlight aspects of that exhibit. This is intended to facilitate the jury’s understanding of the exhibit’s content and meaning. It merely focuses a jury’s attention to the most meaningful sections of an exhibit. It is neither intended to, nor capable of, manipulating the integrity of that exhibit.

Among its functions, the program allows an attorney to highlight a document; zoom into a document; mark a section with an arrow; draw text or freehand lines; block out text; and show documents side by side for comparison or a combination of these functions. It is the Government’s intention to limit our usage of Sanction to highlighting, zooming, and side by side comparison of exhibits.

Defendant's motion is premature because no document can be displayed to the jury in any form without the permission of the Court. Any enlargement of the exhibit, therefore, would also be done only with the permission of the Court preserving the defendant's ability to object. The defendant's motion is also premature for the practical reason that it is impossible at this point to be able to tell which documents the jury may be able to see and which they may have trouble seeing. The equipment has not been installed, and placement of the equipment may effect the jurors' ability to see certain documents without some enlargement. Finally, it is unfair to require the Government to identify 48 hours in advance every document it might use without knowing the matters defendant may raise on cross-examination of the Government's witnesses.

The trial software package can be very helpful to the jury's understanding of documents. Enlargements of exhibits will enable the jurors to focus their attention on certain areas and sections of the exhibits. This is not, however, unlike any other presentation of evidence to the jury which the Court can rule on considering the circumstances as they arise.

For the above reasons, the Government respectfully requests that the Court deny defendant's motion.

Dated: 01-25-01

Respectfully submitted,

ROBERT E. CONNOLLY
JOSEPH MUOIO
WENDY BOSTWICK NORMAN
ROGER L. CURRIER
Attorneys, Antitrust Division
U.S. Department of Justice
Philadelphia Office
The Curtis Center, Suite 650W
170 S. Independence Mall West
Philadelphia, PA 19106
Tel.: (215) 597-7405

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ORDER

AND NOW, this day of January 2001, upon consideration of the Motion of Defendant Mitsubishi Corporation for an Order Directing the Government to Disclose in Advance any Intended Visual Manipulation of Exhibits and the Government's Response in Opposition thereto,

It is hereby ORDERED that the Motion is DENIED.

By the Court:

UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

This is to certify that on the 25th day of January 2001, a copy of the Government's Memorandum in Opposition to Defendant's Motion for an Order Directing the Government to Disclose in Advance any Intended Visual Manipulation of Exhibits and a Proposed Order, has been hand-delivered to counsel of record for the defendant as follows:

Theodore V. Wells, Esquire
Paul Weiss Rifkind Wharton & Garrison
Rittenhouse Hotel, Room 1306
210 West Rittenhouse Square
Philadelphia, PA 19103

ROBERT E. CONNOLLY
Attorney, Philadelphia Office
Antitrust Division
U.S. Department of Justice
The Curtis Center, Suite 650W
170 S. Independence Mall West
Philadelphia, PA 19106
Tel. No.: (215) 597-7405