DUE TO THE GOVERNMENT'S REPEATED AND INTENTIONAL MISCONDUCT



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February 26, 2010

## Via Email

Susan Guernsey Special Agent Federal Bureau of Investigation 1050 Lakes Drive, Suite 350 West Covina, CA 91790

> Re: Lindsey Manufacturing Company Subpoena Compliance

Dear Special Agent Guernsey:

Pursuant to the grand jury subpoena served on the custodian of the records of Lindsey Manufacturing Company (the "Company"), we make the following partial production of responsive materials for presentation to the grand jury.

We are producing electronic copies of certain responsive, hard copy Company records. If a more recent search of the Company's hard copy records in storage results in additional responsive materials, we will produce them next week. Of course, the Company is not producing records and other materials seized pursuant to the search warrant executed on November 20, 2008.

With respect to the Company's electronic communications and other data, the process has proven to be more time-consuming than originally anticipated. As I informed Mr. Miller, we expect to make a production of electronic materials next week. Today's production does include some electronic data on floppy disks.

With respect to the electronic copies of records produced today, we are producing those that have been found to date. With specific reference to portions of phone logs and calendars from 1989 to the subpoena date, I am informed that some of these items have been discarded or misplaced over the years. As a result, the Company is unable to produce a complete collection of such materials for the subpoena period.

Some of the records produced today contain confidential salary, wage, payroll and personal information concerning Company employees. These materials are protected by federal and California State privacy laws. Many of the records produced today also contain the Company's proprietary and competition-sensitive confidential information. We request that the grand jury and others with access to these materials maintain their confidentiality, consistent with applicable legal standards.

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With respect to photographic materials, the Company has numerous photos and color slides taken over a 20-year year period in connection with its business activities. By way of example, I have personally observed a collection of several hundred color slides in a file drawer at the Company's offices. It is not always evident from these slides as to whether they fall within the time period and relate to the subjects covered by the subpoena. Separating possibly responsive slides and photos from other non-responsive slides and photos would be very time-consuming and, in many cases, not possible. Please advise us as to how to proceed with respect to these photographic materials.

With respect to the videos transferred to a CD for production purposes, the original videos will be maintained for preservation purposes and future reference.

The following materials responsive to the subpoena are being furnished today:

- Copies of paper documents and records, including phone logs and calendars, tax returns and other tax-related records, including materials relating to a tax audit (Bates numbers LINDSEY00001 - LINDSEY14720);
- Seven floppy discs;
- One large photograph;
- Five CDs containing several videos, digital photographs, and PowerPoints.

We have withheld some information protected by the attorney-client privilege from this production. This information will be listed in a privilege log to be provided to you shortly.

Please let me know if you have any questions with respect to today's production.

Very truly yours,

Ian I. Handzlik

Enclosures (via hand-delivery)

cc: Douglas Miller, Esq. (via email without enclosures)

Nicola J. Mrazek, Esq. (via U.S. Mail without enclosures)