



U.S. Department of Justice

*United States Attorney
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September 25, 2008

Re: Updated Progress Report: United States v. George Forgione
and Frank Sarcona , Case # 07-80138-cr-Marra(s)

Dear:

As you are by now aware, we have indicted the above defendants in connection with the fraudulent sale of Lipoban dietary supplement. You are a witness in the case and have probably received the initial letter and progress report explaining your rights as a witness.

This letter is an updated progress report about the case. The trial is now scheduled to commence on February 9, 2009. You will be notified about making travel arrangements (at government expense) to West Palm Beach as the case gets closer to trial.

Although not yet finalized, Defendant Forgione has announced at a calendar call that he intends to plead guilty and cooperate with the government in exchange for a reduced sentence. It is anticipated, although not finalized, that he will be pleading guilty to counts with a maximum term of 10 years in jail.

The case agent is Special Agent Kim Ward of the Food and Drug Administration Office of Criminal Investigations (FDA-OCI). Please contact her upon receipt of this letter to provide current information or if there are any questions. She can be reached by email at kim.ward@oci.fda.gov or (954) 476-5419. Please contact me if there are any comments about the proposed plea.

Please remember to visit our website at:
<http://www.usdoj.gov/usao/fls/VictimWitness/LipoBanClinic.html> which contains the pleadings and other information about the case.

Sincerely,

R. ALEXANDER ACOSTA
UNITED STATES ATTORNEY

By: Kerry S. Baron
Assistant United States Attorney