

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA)	Case No. 97-0853-CR-Middlebrooks
)	
v.)	
)	
ATLAS IRON PROCESSORS, INC.,)	
et al.,)	Magistrate Judge Robert L. Dubé
)	(May 7, 1998, Amended Order of Reference)
Defendants.)	
)	MOTION OF UNITED STATES
)	TO QUASH SUBPOENA OF
)	ATLAS DEFENDANTS
)	DIRECTED TO THE FEDERAL
)	<u>BUREAU OF INVESTIGATION</u>

On January 15, 1999, John McCaffrey, counsel for Atlas Iron Processors, Inc., issued a trial subpoena *duces tecum* to the Custodian of Records at the Cleveland Field Office of the Federal Bureau of Investigation. The subpoena requested the “unredacted written statements or summaries of any statements originating from or attributed to Sheila D. McConnell which refer to or relate to: Atlas Iron Processors, Inc.; Atlas, Inc.; Miami River Recycling; Anthony J. Giordano, Sr.; Anthony J. Giordano, Jr.; David Giordano; Sunshine Metal Processors, Inc.; Randolph Weil, David Allen, Henry A. “Skip” Kovinsky; Luria Brothers; Luntz Corp.” The subpoena also asked for information related to Sheila McConnell’s status as a complainant, cooperating witness or confidential informant. Finally, the subpoena asked for any files containing any material relating to Sheila McConnell. The basis for the subpoena was the United States’ discovery obligations under Brady.

The United States fully comprehends the gravity and the scope of its Brady obligations. The United States has already given the Atlas defendants all the

Brady and Giglio material in its possession. This subpoena does not change that fact. The United States has also agreed to give the defendants all of its Jencks Act material twenty four hours before a witness testifies. The Court denied the Atlas defendants' motion to force the United States to produce Jencks Act material more than twenty fours before trial. The defendants will have access to all the material to which they are entitled as soon as they are entitled to it.

Because the United States has already fulfilled its obligations under Brady, it respectfully asks the Court to quash defendant Atlas Iron Processors, Inc.'s subpoena *duces tecum*.

Respectfully submitted,

WILLIAM J. OBERDICK
Acting Chief
Cleveland Field Office

By: _____
RICHARD T. HAMILTON, JR.
Court I.D. No. A5500338

PAUL L. BINDER
Court I.D. No. A5500339

IAN D. HOFFMAN
Court I.D. No. A5500343

Trial Attorneys,
U.S. Department of Justice
Antitrust Division
Plaza 9 Building
55 Erieview Plaza, Suite 700
Cleveland, OH 44114-1816
Phone: (216) 522-4107
FAX: (216) 522-8332