

UNITED STATES OF AMERICA
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA	)	Case No. 97-0853-CR-Middlebrooks
)	
v.	)	Magistrate Judge Robert L. Dubé
	)	(September 30, 1998 Order of Reference)
ATLAS IRON PROCESSORS, INC.,)	
<i>et al.</i> ,)	
)	
Defendants.	)	MEMORANDUM OF THE UNITED
	)	STATES IN OPPOSITION TO
	)	MOTION OF DEFENDANT WEIL
	)	TO ADOPT JOINT MOTION
	)	OF DEFENDANTS TO COMPEL
	)	PRODUCTION OF
	)	<u>BRADY AND GIGLIO MATERIAL</u>

On September 22, 1998, the defendants Atlas Iron Processors, Inc., Anthony J. Giordano, Sr., Anthony J. Giordano, Jr. and David Giordano (hereafter "Atlas defendants") filed a joint motion asking this Court to compel the production of *Brady* and *Giglio* material related to some evidence that the United States intends to introduce at trial pursuant to Fed. R. Evid. 404(b). On October 8, 1998, the United States filed its opposing memorandum, entitled *Memorandum of the United States in Opposition to Joint Motion of Defendants to Compel Production of Brady and Giglio Material*.

On October 13, 1998, the United States received the motion of defendant Weil to adopt the joint motion of the Atlas defendants to compel the production of certain *Brady* and *Giglio* material.¹ On October 13, 1998, the United States also received an Order (dated

¹ The certificate of service attached to defendant Weil's motion to adopt states that this motion was sent to the United States on October 6, 1998. The United States is at a loss to explain why it took one week for it to receive defendant Weil's motion. In fact, the United States received Weil's ' motion, and the order granting Weil's motion, at the same time.

October 8, 1998) granting Weil's motion to adopt.

The United States fully addressed the issues raised in defendant Weil's instant motion to adopt in the previously filed *Memorandum of the United States in Opposition to Joint Motion of Defendants to Compel Production of Brady and Giglio Material*, a copy of which was sent to defendant Weil on October 8, 1998. Accordingly, for the reasons set forth in its *Memorandum of the United States in Opposition to Joint Motion of Defendants to Compel Production of Brady and Giglio Material*, the United States opposes defendant Weil's request for *Brady* and *Giglio* material related to some of the 404(b) evidence that the United States will introduce at trial. A copy of the previously filed opposing Memorandum of the United States is attached for the convenience of the Court.

Respectfully submitted,

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