UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA)
) CASE NO. 97-0853-CR-NESBITT
v.)
) DEMAND OF NOTICE
ATLAS IRON PROCESSORS, INC., et al., Defendants.) PURSUANT TO RULE 12.1
) OF DEFENDANT
) DAVID GIORDANO'S
) INTENTION TO OFFER
	DEFENSE OF ALIBI

Pursuant to Federal Rule of Criminal Procedure 12.1, you are hereby informed that you met with Henry "Skip" Kovinsky, Randy Weil, and Anthony Giordano, Jr. on September 21, 1992, at Charcoal's restaurant in Miami Lakes, Florida. This meeting took place in the afternoon, beginning between 3:00 p.m. and 3:30 p.m.

Pursuant to Federal Rule of Criminal Procedure 12.1, you are also hereby informed that you met with Henry "Skip" Kovinsky, Randy Weil, Anthony Giordano, Jr., and Anthony Giordano, Sr., on October 14, 1992, at La Costa D'Oro restaurant in Boca Raton, Florida. This meeting took place in the evening, beginning around 8:00 p.m.

Pursuant to Federal Rule of Criminal Procedure 12.1, you are also hereby informed that you met with Henry "Skip" Kovinsky, Randy Weil, and Anthony Giordano, Jr., on

November 23, 1992, at Don Shula's Steakhouse in Hialeah, Florida. This meeting took place in early to mid-afternoon, perhaps beginning at 4:30 p.m.

These meetings constitute a partial list of the acts performed by David Giordano in furtherance of the Sherman Act conspiracy charged in the Indictment that began at least as early as October 24, 1992, and continued until at least as late as November 23, 1992. Demand is hereby made upon you to furnish the attorneys for the Department of Justice, Antitrust Division, with a written notice of your intention to offer a defense of alibi within 10 days of this demand.

In the event you intend to offer a defense of alibi, demand is made upon you further to disclose the specific place or places at which you claim to have been at the time of the above listed meetings and the names and addresses of the witnesses upon whom you intend to rely to establish such an alibi.

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

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