

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA ) Criminal No. H-94-58  
 )  
 v. )  
 )  
 GLAZIER FOODS CO., ) [filed 4/26/94]  
 )  
 Defendant. )  
 )

**GOVERNMENT'S RESPONSE TO  
DEFENDANT GLAZIER FOODS COMPANY'S  
MOTION FOR BILL OF PARTICULARS**

The United States of America, through its undersigned attorneys, submits its Response to Defendant Glazier Foods Company's Motion for Bill of Particulars. No Bill of Particulars is necessary for the following reasons.

The general purposes of a bill of particulars are to inform the defendant of the charges against him with sufficient precision to: (1) enable him to prepare his defense, (2) obviate surprise at trial, and (3) enable him to plead his acquittal or conviction in the case as a bar to subsequent prosecution for the same offense. United States v. Davis, 582 F.2d 947, 951 (5th Cir. 1978), cert. denied, 441 U.S. 962 (1979).

The evidence in this case is virtually identical to that presented in United States v. John J. Johnson, No. CR-H-92-152 (S.D. Tex.), which Glazier Foods's counsel also tried. Through the Johnson trial and its own counsel, the defendant has had a thorough preview of the government's case against it. No bill of particulars could provide Glazier Foods with more information about the government's case than it has already received. This preview more than adequately serves the legitimate purposes of a bill of particulars.

Because the defendant has already previewed the government's case against it through the evidence presented in the Johnson trial, it has already obtained more information than is properly disclosed through a bill of particulars. Accordingly, the defendant's motion should be denied.

Respectfully submitted,

"/s/"  
JANE E. PHILLIPS  
JOAN E. MARSHALL  
MARK R. ROSMAN

Attorneys  
Department of Justice  
Antitrust Division  
1100 Commerce Street, Room 8C6  
Dallas, Texas 75242-0898  
(214) 767-8051

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Government's Response to Defendant Glazier Foods Company's Motion for Bill of Particulars and proposed Order was sent via Certified Mail-Return Receipt Requested, this 25th day of April, 1994, to:

Joel M. Androphy, Esq.  
Berg & Androphy  
3704 Travis Street  
Houston, TX 77002

\_\_\_\_\_/s/  
JANE E. PHILLIPS  
Attorney

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA ) Criminal No. H-94-58  
 )  
 v. )  
 )  
 GLAZIER FOODS CO., )  
 )  
 Defendant. )  
 )

**ORDER**

HAVING DULY CONSIDERED the Defendant's Motion for Bill  
of Particulars and the government's response,

IT IS HEREBY ORDERED that the Motion is DENIED.

DONE AND ENTERED THIS \_\_\_\_ day of \_\_\_\_\_, 1994.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE