

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

**GOVERNMENT'S RESPONSE TO DEFENDANT GLAZIER  
FOODS COMPANY'S MOTION FOR DISCOVERY AND INSPECTION**

The United States of America, through its attorneys, hereby responds to Defendant Glazier Foods Company's Motion for Discovery and Inspection (hereinafter "Motion"). The government has already discharged its responsibilities under Fed. R. Crim. P. 16 to this defendant, and will supplement its production as required.

The evidence subject to disclosure under Rule 16 in this case and United States v. John J. Johnson, CR-H-92-152 (S.D. Tex.), is virtually identical. Because Johnson and Glazier Foods have the same counsel, defense counsel has had access to the vast majority of this evidence since October 1992. On April 5, 1994, the government produced the additional Rule 16 materials to which Glazier Foods alone was entitled, the grand jury testimony of five (5) Glazier Foods employees under Fed. R. Crim. P. 16(a)(1)(A)) (see Exhibit A, attached).

As defense counsel was also notified on April 5, 1994, under Rule 16(a)(1)(C), he will have continued access to the documents

in our Houston document depository under the same terms and conditions as agreed to during his representation of Johnson. Under Rule 16(a)(1)(D), to date, there are no reports of examinations or tests beyond those already disclosed to defense counsel during the previous case.

The government has fully complied with the requirements of Rule 16, and will fulfill its continuing obligation to supplement its production as such materials are received.

Respectfully submitted,

"/s/"

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Attorneys

U.S. Department of Justice

Antitrust Division

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**CERTIFICATE OF SERVICE**

This is to certify that true and correct copy of the foregoing Government's Response to Defendant Glazier Foods Company's Motion for Discovery and Inspection 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, Texas 77002

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

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

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

**O R D E R**

Upon consideration of the Defendant Glazier Foods Company's  
Motion for Discovery and Inspection and the Government's Response,  
The Defendant's Motion is hereby DENIED.  
DONE AND ENTERED THIS \_\_\_\_\_ day of \_\_\_\_\_, 1994.

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