

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.,)	PURSUANT TO RULE 12.1
et al.,)	OF DEFENDANT
)	ANTHONY J. GIORDANO, JR.'S
Defendants.)	INTENTION TO OFFER
)	<u>DEFENSE OF ALIBI</u>

Pursuant to Federal Rule of Criminal Procedure 12.1, you are hereby informed that you met with Henry "Skip" Kovinsky, Randy Weil, and David Giordano 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, Sr., and David Giordano 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 Sheila McConnell, Henry “Skip” Kovinsky, Randy Weil, and Anthony Giordano, Sr., on October 24, 1992, at the Sea Ranch condominium complex in Fort Lauderdale, Florida. This meeting took place in the morning and lasted until about noon.

Pursuant to Federal Rule of Criminal Procedure 12.1, you are also hereby informed that you met with Henry “Skip” Kovinsky, Randy Weil, and David Giordano 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.

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, Sr., on December 21, 1992, at Cafe Max restaurant in Pompano Beach, Florida. This meeting took place in the early evening, beginning about 7:00 p.m.

These meetings constitute a partial list of the acts performed by Anthony Giordano, Jr., 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

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