

**RIORDAN & HORGAN**

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January 3, 2007

**E-Filed & Mailed**

Hon. William B. Shubb  
U.S. Courthouse  
501 "I" Street  
Sacramento, CA 95814

**Re: United States v. Amr Mohsen, CR-03-0095-WBS**

Dear Judge Shubb:

We write to address the scope of the evidentiary hearing set for January 5, 2007.

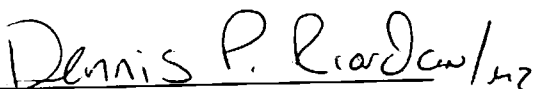
We have not yet been able to obtain a transcript from the December 8 hearing, but Mr. Balazs has filled us in on the major points. We understand that you have committed one day to this hearing, but that it is your desire to keep it as concise as possible. To that end, after reviewing the sentencing memoranda submitted by both sides, it is our intention to present a much more limited hearing than Mr. Balazs may have anticipated. While there appear to be a number of legal issues remaining to be resolved, the only factual matters we intend to present are the previously filed exhibits including the declaration of Alan MacPherson and the accompanying exhibits, such as the protective order, and licensing agreement.

It is not our intention to call additional witnesses, and it is not our intent to call Jeffrey Miller as John Balazs suggested we might do. Further, it is not our intention to present additional testimony from Alan MacPherson and we would be willing to submit the hearing on the declarations and exhibits we have submitted, along with additional arguments. If the government desires to cross-examine Mr. MacPherson, we will make him available for cross-examination; however, we are willing to submit on the exhibits without any further presentation of testimony.

It is our understanding from Mr. Balazs that the Court had requested to hear from Robert Taylor from Howrey Simon regarding the Protective Order. Mr. Taylor has been out of state, and will continue to be out of state through next week. We have presented Mr. Taylor's relevant recollections in Mr. Zilversmit's declaration.

Thank you for your attention to this matter.

Sincerely,

  
DENNIS P. RIORDAN

  
MARC J. ZILVERSMIT

/mjz

cc: AUSA Robin Harris via facsimile & US Mail