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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,)	CR-10-757-PHX-ROS
Plaintiff,)	ORDER
vs.)	
James R. Parker,)	
Defendant.)	

Pending before the Court are: the Government’s motion in limine to preclude statements from special agent’s report (Doc. 136); the Government’s motion to seal and lodged proposed motion in limine regarding suspicious activity reports (Docs. 137 and 138); and Defendant’s motion/request for instructions and clarifications (Doc. 147). For the reasons below, the motions will be granted in part and denied in part. This is a short order to provide the Court’s rulings to the parties on an expedited basis. A full order will follow. The parties will also be ordered to file a trial schedule.

A. Government’s motion in limine to preclude statements from special agent’s report (Doc. 136)

The Government’s motion in limine to preclude statements from special agent’s report (Doc. 136) will be denied. The portion of the report in dispute will be admitted. The admission of the report opens the door to further explanation.

1 **B. Government's motion to seal and lodged proposed motion in limine regarding**
2 **suspicious activity reports (Docs. 137 and 138)**

3 The Government's motion to seal (Doc. 137) will be denied. Pursuant to Local Rule
4 49.4(d), "[i]f a request to file under seal is denied in part or in full, the lodged document will
5 not be filed. . . . [T]he submitting party may, within five (5) days of the entry of the order
6 denying the request, resubmit the document for filing in the public record."

7 The motion in limine is fully briefed, but not appearing on the docket due to the
8 motion to seal. *See* (Doc. 142) (response). In the interest of helping both parties prepare for
9 trial, the Court informs the parties Defendant will be permitted to cross examine bank
10 witnesses about the suspicious activity reports.

11 **C. Defendant's motion/request for instructions and clarifications (Doc. 147)**

12 Defendant's request lists seven numbered paragraphs under "Remedies." (Doc. 147,
13 at 6-7). The Court rules on each request as follows:

14 1. No later than May 26, 2012 at 12:00 p.m. Arizona time, the Government shall
15 disclose to Defendant the full extent of the Government's communications with Greg
16 Robinson and any other counsel to the Parkers.

17 2. The Court clarifies there shall be no direct communication of exact statements
18 made in open court to sequestered witnesses.

19 3. No later than May 26, 2012 at 12:00 p.m. Arizona time, the Government shall
20 provide an updated list of witnesses to Defendant and to the Court. The updated list shall
21 reflect the reduced number of witnesses the Government anticipates will actually take the
22 stand. The Government may categorize witnesses as testifying, probably testifying and
23 possibly testifying.

24 4. The Government shall immediately provide Defendant the Memo of Interview
25 with C.P.A. Tim Liggett if it contains potentially exculpatory information.

26 5. Defendant's fifth request for remedy does not require a ruling.

27 6. No later than May 26, 2012 at 12:00 p.m. Arizona time, the Government shall
28 provide Defendant with a list of witnesses testifying at the first and second days of trial.

1 7. Defendant's seventh request for remedy does not require a ruling.

2 Accordingly,

3 **IT IS ORDERED** Government's motion in limine to preclude statements from
4 special agent's report (**Doc. 136**) is **DENIED**.

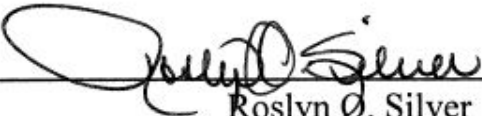
5 **IT IS ORDERED** Government's motion to seal (**Doc. 137**) is **DENIED**.

6 **IT IS ORDERED** Defendant's motion/request for instructions and clarifications
7 (**Doc. 147**) is **GRANTED** as stated in this order.

8 **IT IS ORDERED** no later than **May 29, 2012**, the parties shall submit a trial schedule
9 listing time for direct, cross and redirect of each witness.

10 DATED this 25th day of May, 2012.

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Roslyn O. Silver
Chief United States District Judge