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19 IN THE UNITED STATES DISTRICT COURT  
20 FOR THE DISTRICT OF ARIZONA

21 United States of America,  
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23 Plaintiff,  
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25 v.  
26 Thomas Mario Costanzo,  
27  
28 Defendant.

CR-17-00585-PHX-GMS

**STIPULATION AS TO UNDERCOVER  
RECORDINGS**

29 The government has marked as exhibits excerpts from the audio recordings of  
30 communications between undercover agents and Mr. Costanzo. The parties stipulate as  
31 follows:

32 1. The parties stipulate and agree to the authenticity and admissibility of the  
33 excerpts of recordings for the five charged counts, and the parties also stipulate to the  
34 presentation at trial of each excerpt accompanied by scrolling text that corresponds to each  
35 excerpt:

- 36 a. Ex. 102 (Clips A through J): May 20, 2015 conversation between UC1  
37 (Sergei Kushner) and Mr. Costanzo.  
38 b. Ex. 103 (Clips A through K): October 7, 2015 conversation between

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UC2 (Tom Klepper) and Mr. Costanzo.

c. Ex. 104 (Clips A through F): November 21, 2015 conversation between UC1 (Sergei Kushner) and Mr. Costanzo.

d. Ex. 107 (Clips A through G): February 2, 2017 conversation between UC3 (Chad Martin) and Mr. Costanzo.

e. Ex. 109 (Clips A through D): April 20, 2017 conversation between UC3 (Chad Martin) and Mr. Costanzo.

2. The parties stipulate and agree to the authenticity of the excerpts of recordings for three uncharged transactions. The defense reserves a relevance objection to the introduction of the excerpts of recordings for these days. If the Court admits the audio excerpts the parties stipulate to the presentation at trial of each excerpt accompanied by scrolling text that corresponds to each excerpt:

a. Ex. 101 (Clips A through R): March 20, 2015 conversation between UC1 (Sergei Kushner) and Mr. Costanzo.

b. Ex. 105 (Clips A through Q): September 14, 2016 conversation between UC3 (Chad Martin) and Mr. Costanzo.

c. Ex. 106 (Clips A through E): November 16, 2016 conversation between UC3 (Chad Martin) and Mr. Costanzo.

3. The parties have no agreement as to the authentication or admissibility of excerpts of recordings (Ex. 108A, 108B and 108C) of the April 10, 2017 conversation between UC3 (Chad Martin), Mr. Costanzo, and Dr. Peter Steinmetz.

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Respectfully submitted this 19<sup>th</sup> day of March, 2018.

ELIZABETH A. STRANGE  
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District of Arizona

*s/ Gary Restaino*  
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*s/ Maria Weidner with permission*  
\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 19th day of March 2018, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel of record.

*s/Cristina Abramo*  
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U.S. Attorney's Office