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SCSL-03-01-T
(14209-14224)

14209

THE SPECIAL COURT FOR SIERRA LEONE

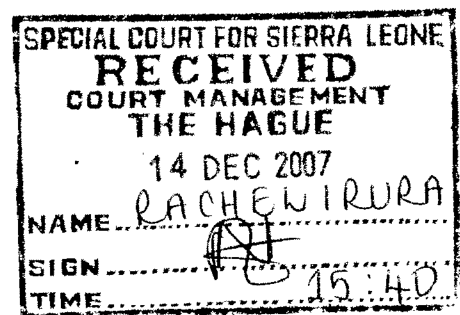
In Trial Chamber II

Before: Justice Julia Sebutinde, Presiding
Justice Richard Lussick
Justice Teresa Doherty
Justice El Hadji Malick Sow, Alternate

Registrar: Mr. Herman von Hebel

Date: 14 December 2007

Case No.: SCSL-2003-01-T



THE PROSECUTOR

–v–

CHARLES GHANKAY TAYLOR

PUBLIC

DEFENCE MOTION PURSUANT TO RULE 75(G) TO MODIFY SESAY DEFENCE PROTECTIVE MEASURES DECISION OF 30 NOVEMBER 2006 FOR ACCESS TO CLOSED SESSION DEFENCE WITNESS TESTIMONY AND LIMITED DISCLOSURE OF DEFENCE WITNESS NAMES AND RELATED EXCULPATORY MATERIAL

Office of the Prosecutor
Ms. Brenda J. Hollis
Mr. Nicholas Koumjian
Ms. Leigh Lawrie

Counsel for Charles G. Taylor
Mr. Courtenay Griffiths Q.C.
Mr. Terry Munyard
Mr. Andrew Cayley
Mr. Morris Anyah

I. Introduction

1. On 30 November 2006, Trial Chamber I issued a *Decision on Sesay Defence Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure* ("Sesay Protective Measures Decision").[1] In part, the Sesay Protective Measures Decision orders that identifying data of protected witnesses "shall not be disclosed to the public".[2]

2. The Sesay Defence Team began its case-in-chief on 3 May 2007. Since that time, the majority of the witnesses have been heard in closed session, and unredacted transcripts of those proceedings are not available to the Defence. Yet, due to the temporal and geographical nexus of the allegations between Mr. Taylor's case and Mr. Sesay's case, and due to conversations Defence investigators and a legal assistant have incidentally had with some of Mr. Sesay's protected defence witnesses, the Defence believe that the transcripts, exhibits, and pre-trial statements from the Sesay Defence case contain exculpatory material that may be of "material assistance to its case".[3]

3. Therefore, pursuant to Rule 75(F) and (G), the Defence apply to Trial Chamber II to vary the Sesay Decision slightly, and order that Court Management serve all closed session or non-public transcripts and exhibits on the Defence, such that the Defence can access and evaluate exculpatory material contained therein. Additionally, the Defence request a minor modification of the Sesay Protective Measures Decision such that the Sesay Defence team may provide, to the Taylor Defence only (not to the general public), the names and identifying data of all Sesay Defence witnesses and copies of any statements given to the Sesay Defence team that may contain exculpatory material in regard to Mr. Taylor.

4. Lead Counsel for the Sesay Defence team does not oppose the requested variations. In fact, we understand that Lead Counsel believes such modifications should be made in the interests of justice and we file it once it is to hand.

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[1] *Prosecutor v. Sesay, Kallon, Gbao,* SCSL-04-15-T-668, Decision on Sesay Defence Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure, 30 November 2006 ("Sesay Protective Measures Decision").

[2] Sesay Protective Measures, para. 25(f).

[3] *Prosecutor v. Slobodan Milosevic,* Case No. IT-02-54-T, Decision on Motion of Defence of Jovica Stanisic for Variance of Protective Measures Pursuant to Rule 75(G)(i), 11 March 2005, pg. 3 ("Stanisic Variance Decision").

II. Applicable Rules and Legal Principles

5. The Defence emphasize that Article 17(2) of the Statute of the Special Court for Sierra Leone ensures that an accused "shall be entitled to a fair and public hearing" subject only to measures ordered by the Special Court for the protection of victims and witnesses. As a corollary to this right, Article 17(4)(e) states that an accused before the Special Court shall be entitled to obtain the attendance and examination of witnesses on his behalf. Furthermore, it is a general principal of law that "a party is always entitled to seek material from any source to assist in the preparation of its case if the document sought has been identified or described by its general nature and if a legitimate forensic purpose has been shown".[4]

6. The Defence recognize that pursuant to Rule 75(F)(i), once protective measures have been ordered in respect of a witness or victim in any proceedings before the Special Court (the "first proceedings"), such protective measures shall continue to have effect *mutatis mutandis* in any other proceedings before the Special Court (the "second proceedings") unless and until they are rescinded, varied or augmented in accordance with the procedure set out in Rule 75(F).

7. Thus, the Defence make this application for variation before Trial Chamber II because, according to Rule 75(G), "A party to the second proceedings [the Taylor case] seeking to rescind, vary or augment protective measures ordered in the first proceedings [the Sesay case] shall apply to the Chamber seized of the second proceedings". In the course of evaluating the merits of this request, which would serve to decrease the protective measures granted to the victims or witnesses by Trial Chamber I in the first proceedings, the Defence expect that in accordance with Rule 75(H), Trial Chamber II will "obtain all relevant information" from Trial Chamber I and may "consult" with any Judge from Trial Chamber I or the Chamber itself.

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[4] *Prosecutor v. Limaj, Bala, Musliu,* Case No. IT-03-66-T, Decision on Motion of Assigned Counsel in *Milosevic* for Variance of Protective Measures Pursuant to Rule 75, 14 April 2005, pg. 3 ("Limaj Variance Decision"), citing *Prosecutor v. Kvocka et al,* Case No. IT-98-30/1-A, Decision on Momcilo Gruban's Motion for Access to Material, 13 January 2003, para. 5.

8. The Defence are informed by the Special Court practice as stated in Rule 75(D), that the Witness and Victims Section shall ensure that a witness has been informed before giving evidence that his or her testimony and his or her identity may be disclosed at a later date in another case, pursuant to Rule 75(F).

III. Submissions

9. An ICTY decision in *Prosecutor v. Milosevic*[5] sets forth two criteria for determining when access to confidential material from another case should be granted:

(A) when the party seeking the material can establish that it may be of **material assistance**[6] to its case, or at least there is a "good chance"[7] that it would be of material assistance, and

(B) when the relevance of the material is determined by showing the **existence of a nexus** between the applicant's case and the cases from which such material is sought, ie. if the cases stem from events alleged to have occurred in the same geographic area and at the same time.

10. The nexus between Mr. Taylor's and Mr. Sesay's case is clear because the respective Indictments and allegations against Mr. Taylor[8] and Mr. Sesay[9] are closely linked. The Sesay Indictment alleges, "At all times relevant to this Indictment and in relation to all acts and omissions charged herein, Issa Hassan Sesay, Morris Kallon, and Augustine Gbao, through their association with the RUF, acted in concert with Charles Ghankay Taylor aka Charles Macarthur Dapkpana [sic] Taylor".[10] Likewise, the Taylor Indictment alleges, "...[Mr. Taylor] while holding positions of superior responsibility and exercising

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[5] Stanisic Variance Decision, pg. 3.
[6] *Prosecutor v. Nahimana et al,* Case No. ICTR-99-52-A, Decision on Joseph Nzirorera's Motion for Access to Appeal Briefs, 9 September 2005, pg. 3; *Prosecutor v. Bagosora et al,* Case No. ICTR-98-41-T, Decision on Nzirorera Request for Access to Protected Material, 19 May 2006, para. 2.
[7] *Prosecutor v. Prlic et al,* No. IT-04-74-PT, Decision on Defence's Motion for Access to Confidential Material, 9 March 2005, pg. 3; *Prosecutor v. Blagojevic & Jokic,* No. IT-02-60-A, Decision on Motion by Radivoje Militec for Access to Confidential Information, 9 September 2005, pg. 3 ("Militec Variance Decision").
[8] *Prosecutor v. Taylor,* SCSL-03-01-T-263, Prosecution's Second Amended Indictment, 29 May 2007 ("Taylor Indictment").
[9] *Prosecutor v. Sesay, Kallon, Gbao,* SCSL-04-15-T-619, Corrected Amended Consolidated Indictment, 2 August 2006 ("Sesay Indictment").
[10] Sesay Indictment, para. 35.

command and control over subordinate members of the RUF, AFRC, AFRC/RUF Junta or alliance, and/or Liberian fighters, is individually criminally responsible…”.[11] Furthermore, the temporal and geographical jurisdiction for the two accused is identical.[12]

11. It is common sense, then, that there is more than a good chance that non-public testimony, exhibits, and statements of witnesses testifying in defence of Mr. Sesay would be of material assistance to the preparation of Mr. Taylor's case. Moreover, in the course of their own investigations, the Taylor Defence team investigators and legal assistant have come into contact with numerous potential witnesses who have either already testified in the Sesay Defence case or are preparing to testify when trial resumes in January 2008. Based on statements taken from those potential witnesses, the exculpatory nature of the requested transcripts, exhibits, and statements has become evident.

12. The ICTR case of *Prosecutor v. Rwamakuba* held that while Rule 75(F) does not directly apply to testimony of defence witnesses,[13] for whom the prosecution has no obligation of disclosure, where a defence witness has testified in one trial and is scheduled to or could possibly testify as a defence witness in another trial, there is a legitimate forensic purpose in ordering disclosure of the prior testimony to the defence in the second trial.[14] Because the Taylor Defence team would potentially be interested in calling these Sesay Defence team witnesses who are in possession of exculpatory material, the Defence has shown a legitimate forensic purpose for being granted such access through a variation of the Sesay Protective Measures Decision.[15]

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[11] Taylor Indictment, para. 34.
[12] See Limaj Variance Decision, pg. 3 ("material may be considered relevant where a nexus exists between the applicant's case and the case from which such material is sought (e.g. where the charges arise out of events with geographic and temporal identity)").
[13] Militec Variance Decision, pg. 3.
[14] *Prosecutor v. Rwamakuba*, Case No. ICTR-98-44C-T, Decision on Bagosora Motion for Disclosure of Closed Session Testimony of Witness 3/13, 24 February 2006.
[15] *Prosecutor v. Nahimana et al*, Case No. ICTR-99-52-A, Decision on Joseph Nzirorera's Motion for Access to Appeal Briefs, 9 September 2005, pg. 2.

13. Although the requirements for variation are met, it is also useful to note that there is no requirement that the Defence establish a specific reason that each individual item is requested is likely to be useful.

14. The Taylor Prosecution likely has access to closed session testimony, non-public exhibits and witness statements from other Prosecution trial teams at the Special Court.[16] Thus it would be unfair to deny the Defence similar access, especially where there is no objection from the Defence team whose Protective Measures Decision stand to be modified. In fact, the ICTR, in *Prosecutor v. Bagasora et al.*, has acknowledged that such disclosure between to Defence teams "enhances trial fairness".[17]

15. The variation of the Sesay Protective Measures Decision will not adversely impact the safety or protection of the protected defence witnesses, because the limited disclosure requested is to the Defence team alone, and not to the public. The general purpose of protective measures is to conceal the identity of the protected witness from the public at large,[18] not from another Defence team, seeking access to information and seeking to ascertain the truth.

16. If given disclosure of witnesses' names and identifying data of all of the protected witnesses subject to the Sesay Protective Measures Decision, in order to allay any concerns of investigatory impropriety or abuse of process, Taylor Defence team members would agree to follow the procedure outlined in paragraph 25(j) of the Sesay Protective Measures Decision. This procedure, to be followed by the RUF Prosecution, the Defence for the Second Accused, Morris Kallon, and the Defence for the Third Accused, Augustine Gbao, requires that the parties inform the Witnesses and Victims Section of their intention to interview a witness listed as a witness for the First Accused, Issa Sesay. This procedure enables the witness to make an informed decision as to whether he or she

[16] For instance, in the ICTR, the Appeals Chamber has held that any person within the Office of the Prosecutor may be designated to have access to protected information in any case before the Tribunal. *Prosecutor v. Bagosora et al.*, Case No. ICTR-99-52-A, Decision on Interlocutory Appeals of Decision on Witness Protection Orders (AC), 6 October 2005, paras. 44-46; See also, *Prosecutor v. Bagosora et al*, Case No. ICTR-98-41-T, Decision on Zigiranyirazo Motion for Disclosure of Closed Session Testimony of Witness DM-190, 16 May 2006, para. 5.
[17] *Id.*
[18] *Id.*, para. 4.

wishes to give the interview. The Defence agrees to voluntarily comply with this procedure whenever possible.

17. The Defence reserve the right to request variation of other RUF Defence team's protective measures decisions if and as the need arises. Thus these categories of material are not the subject of this Motion.

18. Additionally, the Defence trust that the Prosecution will comply with its continuing obligations under Rule 68 to disclose exculpatory material contained in closed session transcripts from the RUF Prosecution case and in statements taken from protected RUF Prosecution witnesses, if any of these same witnesses will also testify for the Prosecution in the Taylor case.[19] The Defence have every reason to believe that these transcripts and/or statements will be disclosed in unredacted format 42 days in advance of a witness' anticipated testimony, pursuant to the 5 May 2006 Protective Measures Decision.[20] Thus these categories of material are not the subject of this Motion.

19. The Defence note that it is possible that the Sesay Defence team may have taken preliminary statements of protected witnesses that have since become Taylor Prosecution witnesses and are now covered by a second set of protective measures.[21] The possibility of this scenario does exist, given recent correspondence between Lead Counsel and Ms. Brenda Hollis. Lead Counsel had asked for acknowledgement from the Prosecution of the existence of Rule 68 exculpatory material in the form of statements given to other Special Court Defence Teams prior to those people becoming Prosecution Witnesses in the Taylor Case.[22] In her response, Ms. Hollis acknowledged that the Prosecution is aware of a "very

[19] The Defence recognize that Rules 75(F) and (G) do not create a substantive right to disclosure which does not already exist under Rules 66 and 68. See *Prosecutor v. Karemera et al*, Case No. ICTR-98-44-PT, Decision on Juvenal Kajeli's Motion for Disclosure of Open and Closed Session Testimony, Exhibits, and Pre-Trial Statements of Prosecution Witnesses GBU and GFA, 24 November 2004.
[20] *Prosecutor v. Taylor,* SCSL-03-01-PT-99, Decision on Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure and Urgent Request for Interim Measures and on Confidential Prosecution Motion for Leave to Substitute a Corrected and Supplemented List as Annex A of the Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure and Urgent Request for Interim Measures, 5 May 2006, para. 1(b).
[21] *Id.*
[22] See Letter from Courtenay Griffiths, QC to Brenda Hollis, dated 12 December 2007 [Annex A].

limited number" of statements taken by Defence teams in other cases; however there is no indication that the Prosecution are aware of the contents of the material.[23] If some of these statements of very limited number are indeed in the possession of the Sesay Defence team, then the Defence accept that the Sesay Defence team could not disclose those statements to the Taylor Defence in unredacted format more than 42 days in advance of that witness' anticipated testimony, so as to not be in violation of the 5 May 2006 Protective Measures Decision in the Taylor case.

IV. Conclusion

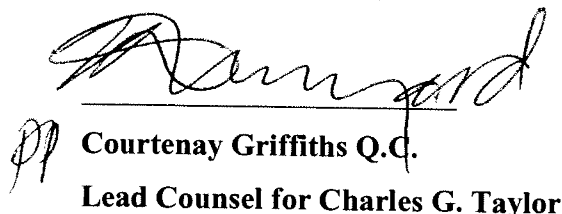
20. The Defence request that the Sesay Protective Measures Decision of 30 November 2006 be varied by Trial Chamber II, in consultation with Trial Chamber I, to allow the Taylor Defence team:

   (A) Service of copies of unredacted transcripts from the Sesay Defence case by Court Management on an ongoing basis;

   (B) Disclosure of the witnesses' names and identifying data of witnesses subject to the Sesay Protective Measures Decision; and

   (C) Disclosure of statements taken by the Sesay Defence team during the course of investigations and in preparation for trial.

Respectfully Submitted,



Courtenay Griffiths Q.C.
Lead Counsel for Charles G. Taylor
Dated this 14th Day of December 2007
The Hague, The Netherlands.

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[23] See Letter from Brenda Hollis to Courtenay Griffiths, QC, dated 13 December 2007 [Annex B].

Table of Authorities

Special Court for Sierra Leone Cases

Prosecutor v. Sesay, Kallon, Gbao, SCSL-04-15-T-619, Corrected Amended Consolidated Indictment, 2 August 2006.

Prosecutor v. Sesay, Kallon, Gbao, SCSL-04-15-T-668, Decision on Sesay Defence Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure, 30 November 2006.

Prosecutor v. Taylor, SCSL-03-01-PT-99, Decision on Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure and Urgent Request for Interim Measures and on Confidential Prosecution Motion for Leave to Substitute a Corrected and Supplemented List as Annex A of the Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure and Urgent Request for Interim Measures, 5 May 2006.

Prosecutor v. Taylor, SCSL-03-01-T-263, Prosecution's Second Amended Indictment, 29 May 2007.

ICTY Cases

Prosecutor v. Blagojevic & Jokic, No. IT-02-60-A, Decision on Motion by Radivoje Militec for Access to Confidential Information, 9 September 2005.
http://www.un.org/icty/blagojevic/appeal/decision-e/050909.htm

Prosecutor v. Limaj, Bala, Musliu, Case No. IT-03-66-T, Decision on Motion of Assigned Counsel in *Milosevic* for Variance of Protective Measures Pursuant to Rule 75, 14 April 2005.
http://www.un.org/icty/limaj/trialc/decision-e/050414-2.htm#1

Prosecutor v. Slobodan Milosevic, Case No. IT-02-54-T, Decision on Motion of Defence of Jovica Stanisic for Variance of Protective Measures Pursuant to Rule 75(G)(i), 11 March 2005.
http://www.un.org/icty/milosevic/trialc/decision-e/050311.htm

Prosecutor v. Prlic et al, No. IT-04-74-PT, Decision on Defence's Motion for Access to Confidential Material, 9 March 2005.
http://www.un.org/icty/prlic/trialc/decision-e/050309.htm

ICTR Cases

Prosecutor v. Bagosora et al, Case No. ICTR-98-41-T, Decision on Zigiranyirazo Motion for Disclosure of Closed Session Testimony of Witness DM-190, 16 May 2006.
http://69.94.11.53/default.htm

Prosecutor v. Bagosora et al, Case No. ICTR-98-41-T, Decision on Nzirorera Request for Access to Protected Material, 19 May 2006.
http://69.94.11.53/ENGLISH/cases/Bagosora/decisions/190506.htm

Prosecutor v. Bagosora et al, Case No. ICTR-99-52-A, Decision on Interlocutory Appeals of Decision on Witness Protection Orders (AC), 6 October 2005.
http://69.94.11.53/default.htm

Prosecutor v. Karemera et al, Case No. ICTR-98-44-PT, Decision on Juvenal Kajelijeli's Motion for Disclosure of Open and Closed Session Testimony, Exhibits, and Pre-Trial Statements of Prosecution Witnesses GBU and GFA, 24 November 2004.
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Prosecutor v. Nahimana et al, Case No. ICTR-99-52-A, Decision on Joseph Nzirorera's Motion for Access to Appeal Briefs, 9 September 2005.
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Prosecutor v. Rwamakuba, Case No. ICTR-98-44C-T, Decision on Bagosora Motion for Disclosure of Closed Session Testimony of Witness 3/13, 24 February 2006.
http://69.94.11.53/default.htm

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THE SPECIAL COURT FOR SIERRA LEONE

THE PROSECUTOR

–v–

CHARLES GHANKAY TAYLOR

SCSL-2003-01-T

Annex A

TO THE

PUBLIC

DEFENCE MOTION PURSUANT TO RULE 75(G) TO MODIFY
SESAY DEFENCE PROTECTIVE MEASURES DECISION OF 30 NOVEMBER 2006
FOR ACCESS TO CLOSED SESSION DEFENCE WITNESS TESTIMONY
AND LIMITED DISCLOSURE OF DEFENCE WITNESS NAMES
AND RELATED EXCULPATORY MATERIAL

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SPECIAL COURT FOR SIERRA LEONE
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CONFIDENTIAL

12 December 2007

Ms. Brenda Hollis
Senior Trial Attorney
SCSL Office of the Prosecutor
The Hague, The Netherlands

RE: Request for Acknowledgement of the Existence of Rule 68 Exculpatory Material: Statements given to other Special Court Defence Teams prior to those people becoming Prosecution Witnesses in the Taylor Case

Dear Brenda,

I trust this letter finds you well amidst preparation for trial.

As you know, Rule 68(B) requires the Prosecution to disclose to the Defence the existence of evidence known to the Prosecutor which in any way tends to suggest the innocence or mitigate the guilt of the accused, or may affect the credibility of prosecution evidence. Under Rule 68(B), the Prosecution is under a continuing obligation to disclose any such exculpatory material.

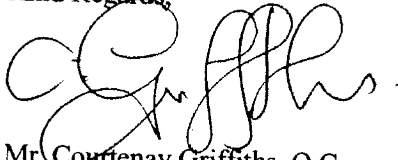
Because the Special Court has been in operation since 2002, I believe it is likely that other Defence Teams at the Special Court may have taken preliminary statements from people who have since agreed to be Prosecution witnesses in the case against Mr. Taylor. Statements given to other Defence Teams at the Special Court would likely contain exculpatory material, and thus the existence of such statements should be disclosed to the Taylor Defence Team, as part of the Prosecution's continuing disclosure obligation.

As you stated in the last Status Conference, the requirements of Rule 68 require the Prosecution to put the Defence on notice of the existence of information known to you

that would fall within Rule 68.[1] Acknowledgement, on your part, as to the existence of such statements, would allow us to "move forward" and deal with these matters in due course.[2]

I look forward to a response at your earliest convenience.

Kind Regards,



Mr. Courtenay Griffiths, Q.C.
Lead Counsel for Mr. Charles G. Taylor

[1] *Prosecution v. Taylor*, SCSL-03-01, Status Conference Transcript, 7 November 2007, pg. 18, lns. 11-14.
[2] Id., lns. 16-20.

THE SPECIAL COURT FOR SIERRA LEONE

THE PROSECUTOR

–v–

CHARLES GHANKAY TAYLOR

SCSL-2003-01-T

Annex B

TO THE

PUBLIC

DEFENCE MOTION PURSUANT TO RULE 75(G) TO MODIFY SESAY DEFENCE PROTECTIVE MEASURES DECISION OF 30 NOVEMBER 2006 FOR ACCESS TO CLOSED SESSION DEFENCE WITNESS TESTIMONY AND LIMITED DISCLOSURE OF DEFENCE WITNESS NAMES AND RELATED EXCULPATORY MATERIAL

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By hand & email

13 December 2007

Mr. Courtenay Griffiths Q.C.
Lead Defence Counsel
The Special Court for Sierra Leone
The Hague

Prosecutor v. Taylor **- SCSL-03-01-T**

RE: Request for Acknowledgement of the Existence of Rule 68 Exculpatory Material: Statements given to other Special Court Defence Teams prior to those people becoming Prosecution Witnesses in the Taylor Case

Dear Courtenay,

The Prosecution has diligently carried out its duties to disclose the existence of evidence which falls within the language of Rule 68.

I note your request that we acknowledge the existence of statements taken by other Defence teams at the Special Court, a request which seems to be based on your speculation that if such statements exist, they "would likely contain exculpatory material". As you point out, Rule 68 requires the Prosecution to disclose to the Defence the existence of evidence known to the Prosecution which fits the language of the Rule. The Rule does not require us to speculate on what evidence might exist.

As to the existence of any witness statements taken by other Defence teams, regardless whether they contain Rule 68 material, the Prosecution is not able to give the broad acknowledgement you request. Unfortunately, the Prosecution was only made aware of a very limited number of statements taken by Defence teams in other cases; the Prosecution can only acknowledge the existence of that very limited number.

If there were evidence known to us which met the requirements of Rule 68 but which was not in our possession, we would provide you notice of such evidence. We have no such knowledge. In addition, the Prosecution has undertaken a review of the evidence in the possession of the OTP which may be of relevance in this case and/or may contain Rule 68 material. We have provided the Defence with the evidence known to us which Rule 68 requires us to disclose.

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We understand the ongoing nature of our disclosure obligations under Rule 68 and will continue to diligently comply with those obligations.

Sincerely,

Brenda J. Hollis
Senior Trial Attorney