

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA)	
)	Criminal No.: 3:00-CR-400-P
v.)	
)	Judge Jorge A. Solis
MARTIN NEWS AGENCY, INC.; and)	
BENNETT T. MARTIN,)	
)	FILED: June 11, 2001
Defendants.)	

MOTION FOR PRODUCTION OF DOCUMENTS
RESPONSIVE TO SUBPOENA *DUCES TECUM* ON OR BEFORE JUNE 15

The United States issued a subpoena *duces tecum* pursuant to Federal Rule of Criminal Procedure 17(c) on June 8, 2001, to defendant Martin News Agency, Inc. ("Martin News"), for certain documents to be produced on July 9, 2001, the date this case is set for trial. The United States now moves this Court for an Order pursuant to Rule 17(c) requiring defendant Martin News to produce to the United States documents responsive to that subpoena on or before June 15, 2001, for the government's inspection. The subpoena calls for the following documents:

1. Any and all documents as will show the customers and retailers in Texas to whom your Company sold or distributed magazines or other periodicals, including all dealer guides and any other lists of customers and retailers to whom your Company sold or distributed magazines or other periodicals.
2. Any and all documents as will show the geographic area(s) in Texas in which your Company sold or distributed magazines or other periodicals.
3. Any and all documents as will show the customers and retailers in Texas to whom your Company discontinued sales, distribution or service, including all dealer guides and any other

lists of discontinued or former customers and retailers.

4. Any and all documents as will show the geographic area(s) in which your Company discontinued sales, distribution or service.

5. Any and all documents that relate to any bid given by, or solicited from, your Company, including the complete bid file, contracts (actual or proposed), bids or quotations (actual or proposed), requests for quotes, profit and loss statements, and all supporting and underlying documents that relate to any such bid, including all communications between your Company and any person who requested, was solicited for, or received, a bid. Documents responsive to this Paragraph are to be produced without regard to whether your Company actually performed any services in connection with the bid.

6. Any and all documents that relate to any communication between your Company, or an officer, employee or representative thereof (including Ben Martin), and Periodical Management Group, Inc., including any predecessor, successor, affiliate, parent, division, subsidiary, in whole or in part, owner, director, officer, employee or representative thereof.

7. Any and all documents that relate to any communication between your Company, or an officer, employee or representative thereof (including Ben Martin), and C&S News Agency, Inc., including any predecessor, successor, affiliate, parent, division, subsidiary, in whole or in part, owner, director, officer, employee or representative thereof.

8. Any and all exit interviews of employees or former employees of your Company, and any and all documents relating to such interviews, including any interviews involving Phillip Bagnall, in which any of the following topics were raised, addressed, or discussed: the customers and retailers whom your Company solicited, the customers and retailers to whom your Company

sold or distributed magazines or other periodicals, the customers and retailers to whom your Company discontinued sales, distribution or service, or the geographic areas in which your Company discontinued sales, distribution or service. Such documents include notes, transcripts, video tapes and audio tapes made of such interviews.

The United States respectfully requests that the Court order that the requested documents be produced to the United States' office in Cleveland, Ohio, on or before June 15, 2001.

Production of the documents sufficiently in advance of trial will prevent interruptions and delays during trial that would otherwise be required to permit the government to review the documents produced.

Also, by requiring the production of documents on or before June 15, 2001, the United States will have sufficient time to review the materials in preparation of trial and to raise any issues or concerns about the production at the pre-trial conference set for June 27, 2001.

Respectfully submitted,

SCOTT M. WATSON
Chief, Cleveland Field Office

"/s/"
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CERTIFICATE OF CONFERENCE

This is to certify that the undersigned attorney conferred with Michael P. Gibson, counsel for defendant Bennet T. Martin, on June 8, 2001, and is authorized to state that defendant Martin News Agency, Inc. opposes the Motion.

SIGNED this 8th day of June, 2001.

“/s/”
MICHAEL F. WOOD

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent via Federal Express to the Office of the Clerk of Court on this 8th day of June, 2001. In addition, copies of the above-captioned pleading were served upon the defendants via Federal Express on this 8th day of June, 2001.

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“/s/”
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