

	)	
UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	Criminal No. 05-0370 (PLF)
DAVID HOSSEIN SAFAVIAN,	)	
	)	
Defendant.	)	
	)	

On April 21, 2006, the defendant filed a motion to preclude the government's supplemental filing of additional e-mails to be considered as part of its motion in limine to admit certain e-mails at trial. The defendant argues first, that it is not necessary for the Court to consider the additional e-mails in order to rule on their admissibility, and, second, that these filings will "only serve as a vehicle to place additional irrelevant and misleading evidence in the media." Motion to Preclude the Government's Supplemental Filing at 1. The government argues that the Court cannot possibly decide on the merits of the government's or defendant's arguments regarding the admissibility of these e-mails without the e-mails themselves. The Court agrees. It is impossible for the Court to evaluate the admissibility of these proposed additional e-mails without the e-mails themselves and it is a waste of judicial resources to delay this decision until the trial, when presumably the parties would make the same arguments regarding the admissibility of each and every e-mail. The defendant's concern about media attention to the public filing of additional e-mails can be addressed in the parties' joint proposed jury questionnaire, but it does not provide a basis for preventing the government from filing the

proposed addendum to its motion in limine for the Court's consideration. Based upon consideration of the defendant's motion and the government's opposition to that motion, it is hereby

ORDERED that the motion to preclude the government's supplemental filing [73] is DENIED.

SO ORDERED.

\_\_\_\_\_/s/\_\_\_\_\_  
PAUL L. FRIEDMAN  
United States District Judge

DATE: April 25, 2006