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8  
9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA, ) Case No. CR-09-0110 (SI)  
12 )  
Plaintiff, ) **DEFENDANT H.B. CHEN’S**  
13 ) **REQUEST FOR LIMITING**  
v. ) **INSTRUCTION RE:**  
14 ) **COCONSPIRATORS**  
HSUAN BIN CHEN, aka H.B. CHEN, et al., )  
15 ) Date: TBA  
Defendants. ) Time: TBA  
16 ) Courtroom: Hon. Susan Illston

17 In this Court’s January 11 “Order Re: United States’ Request for Pre-Appearance  
18 Admission of Documents-Michael Wong,” the Court stated that it “agrees with defendants that  
19 any coconspirator statements made before a defendant joined the conspiracy are not admissible to  
20 show that defendant joined the conspiracy.” (Order at 3.) The Court invited the defendants to  
21 submit an appropriate limiting instruction.

22 The government is now placing into evidence through Brian Lee evidence of the first  
23 three Crystal meetings in 2001. None of the individual defendants attended those meetings or is  
24 alleged to have joined the conspiracy until after those meetings. Consequently, defendant H.B.  
25 Chen requests the following limiting instruction concerning the first three meetings:

26 Ladies and gentlemen of the jury: You have heard evidence of  
27 statements made by other alleged participants in the charged  
28

1 conspiracy to fix prices at the first three Crystal Meetings. These  
2 statements were made before any of the individual defendants [or  
3 AUOA] is alleged to have joined the charged conspiracy. As to  
4 those defendants, this evidence is not admissible to show that they  
5 joined or participated in the conspiracy, or that they possessed  
6 criminal intent. This evidence is only admissible to show the  
7 background of the conspiracy which the government alleges these  
8 defendants subsequently joined.

9 As always, remember that you are the sole judges of the evidence,  
10 and you must decide whether each defendant did or did not join the  
11 conspiracy.

12 Dated: January 19, 2012

Respectfully submitted,

13 MICHAEL A. ATTANASIO  
14 JENNIFER M. FRENCH

15 /s/ Michael A. Attanasio  
MICHAEL A. ATTANASIO

16 Counsel for Defendant  
17 HSUAN BIN CHEN