

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIACase No: CR-06-692-03Case Name: United States v. Gary Swanson**EXHIBIT and WITNESS LIST**

<b>JUDGE</b> Phyllis J. Hamilton	<b>PLAINTIFF ATTORNEY:</b> <u>Niall Lynch; Nat Cousins; Kate Patchen; Charles Reichmann; May Heye</u>	<b>DEFENSE ATTORNEY:</b> <u>John Bartko; John McLean; Bill Edlund; Rob Bunzel</u>
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**JURY SELECTION:**  
2/4/08  
**TRIAL DATE:**2/4/08

**REPORTER(S):**  
Debras Pas; Katherine Powell

**CLERK:**  
Nichole Heuerman

PLF NO.	DEF NO.	DATE/TIME OFFERED	ID	EVI. REC	DESCRIPTION	BY
					<b><u>February 5, 2008</u></b>	
		<u>8:05</u>			<u>The court makes ruling regarding co-conspirator statements</u>	
		<u>8:35</u>			<u>Jury instructions are given to the jury by the court.</u>	
		<u>8:57</u>			<u>Opening statements by Plaintiff</u>	
		<u>9:50</u>			<u>Opening statements by Defendant</u>	
		<u>10:25</u>			<u>The court takes a 15 minute break</u>	
		<u>10:43</u>			<u>The court is back in session</u>	
		<u>10:44</u>			<u>Plaintiff calls witness Michael Peterson</u>	
		<u>10:45</u>			<u>The court reads an instruction as to Mr. Peterson. Mr. Peterson is sworn and a picture is taken.</u>	
<u>491</u>		<u>2/5/08</u>	<u>x</u>		<u>Plaintiff's Exhibit 491-DRAM Module</u>	
<u>1</u>		<u>2/5/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's Exhibit 1-Plea Agreement dated 5/11/05</u>	
<u>111</u>		<u>2/5/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's Exhibit 111-Org. Chart dated 4/6/01</u>	
<u>110</u>		<u>2/5/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's Exhibit 110-email dated 4/3/01</u>	
		<u>12:05</u>			<u>The court takes a 15 minute break</u>	
		<u>12:25</u>			<u>The court is back in session</u>	
		<u>12:25</u>			<u>Continued direct examination of Mr. Peterson</u>	
<u>279</u>		<u>2/5/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's Exhibit 279-Invoice dated 4/5/01</u>	
<u>160</u>		<u>2/5/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's Exhibit 160-email dated 11/15/01</u>	
<u>199</u>		<u>2/5/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's Exhibit 199-email dated 1/14/02</u>	
<u>421</u>		<u>2/5/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's Exhibit 421-Invoice dated 1/18/02</u>	
<u>319</u>		<u>2/5/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's Exhibit 319-Invoice dated 1/16/02</u>	

**EXHIBIT and WITNESS LIST**

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
		<u>12:47</u>			<u>Defendant's cross examination of Mr. Peterson</u>	
					<b><u>February 7, 2008</u></b>	
		<u>8:06</u>			<u>The court makes ruling regarding co-conspirator statements</u>	
		<u>8:33</u>			<u>Continued cross examination of Mr. Peterson</u>	
	<u>A-20</u>	<u>2/7/08</u>	<u>x</u>		<u>Defendant's exhibit A-20-documents dated 11/30/01</u>	
<u>126</u>		<u>2/7/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 126-email dated 6/21/01</u>	
	<u>A-82</u>	<u>2/7/08</u>	<u>x</u>		<u>Defendant's exhibit A-82-documents dated 5/14/02</u>	
		<u>9:20</u>			<u>No re-direct examination, Mr. Peterson is excused</u>	
		<u>9:21</u>			<u>Plaintiff calls next witness Kenneth Heller</u>	
					<u>The court reads an instruction as to Mr. Heller. Mr. Heller is sworn and a picture is taken.</u>	
<u>145</u>		<u>2/7/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 145-email dated 9/10/01</u>	
<u>236</u>		<u>2/7/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 236-org chart dated 4/1/02</u>	
<u>83</u>		<u>2/7/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 83-email dated 9/7/00</u>	
		<u>10:25</u>			<u>The court takes a 15 minute break</u>	
		<u>10:44</u>			<u>The court is back in session; continued direct examination of Mr. Heller</u>	
<u>357</u>		<u>2/7/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 357- expense reports dated 3/29/99</u>	
<u>98</u>		<u>2/7/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 98-email dated 3/2/01</u>	
		<u>11:20</u>			<u>Cross examination of Mr. Heller</u>	
		<u>11:44</u>			<u>Re-direct examination of Mr. Heller</u>	
		<u>11:45</u>			<u>Re-cross examination of Mr. Heller</u>	
		<u>11:46</u>			<u>Mr. Heller is excused.</u>	
		<u>11:47</u>			<u>Plaintiff calls next witness Dennis Lee</u>	
					<u>The court reads an instruction as to Mr. Lee. Mr. Lee is sworn and a picture is taken</u>	
<u>11</u>		<u>2/7/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 11-plea agreement dated 10/20/04</u>	

**EXHIBIT and WITNESS LIST**

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
		<u>12:05</u>			<u>The court takes a 15 minute break</u>	
		<u>12:22</u>			<u>The court is back in session, continued direct examination of Mr. Lee</u>	
<u>200</u>		<u>2/7/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 200-email dated 1/14/02</u>	
<u>231</u>		<u>2/7/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 231-email dated 3/15/02</u>	
<u>384</u>		<u>2/7/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 384-Invoice dated 3/19/02</u>	
		<u>1:03</u>			<u>Cross examination of Mr. Lee</u>	
<u>13</u>		<u>2/7/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 13-immunity letter and plea agreement dated 11/15/04</u>	
		<u>1:30</u>			<u>The jury is released for the day.</u>	
		<u>1:31</u>			<u>The court rules on objections to exhibits</u>	
		<u>1:40</u>			<u>The court adjourns for the day</u>	
					<b><u>February 8, 2008</u></b>	
		<u>8:05</u>			<u>The court makes ruling re coconspirator statements (ex 105 and 225)</u>	
		<u>8:35</u>			<u>Continued cross examination of Mr. Lee</u>	
	<u>A-132</u>		<u>x</u>		<u>Defendant's exhibit A-132-</u>	
		<u>8:50</u>			<u>Re-direct examination of Mr. Lee</u>	
		<u>8:51</u>			<u>Re-cross examination of Mr. Lee</u>	
		<u>8:55</u>			<u>Plaintiff calls next witness Kun Chul Suh-Mr Suh is assisted by Korean interpreter Chol W. Kim (standby only) who has been sworn</u>	
					<u>The court reads and instruction as to Mr. Suh. Mr. Suh is sworn and a picture is taken</u>	
<u>6</u>		<u>2/8/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 6-plea agreement dated 3/15/06</u>	
<u>486</u>		<u>2/8/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 486-floor plan 2002</u>	
<u>103</u>		<u>2/8/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 103-email dated 3/28/01</u>	
<u>187</u>		<u>2/8/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 187-email dated 12/31/01</u>	
<u>182</u>		<u>2/8/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 182-email dated 12/13/01</u>	

**EXHIBIT and WITNESS LIST**

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
<u>253</u>		<u>2/8/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 253-email dated 5/16/02</u>	
		<u>10:15</u>			<u>The court takes a 15 minute break</u>	
		<u>10:30</u>			<u>The court is back in session, continued direct examination of Mr. Suh</u>	
<u>158</u>		<u>2/8/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 158-email dated 11/14/01</u>	
		<u>10:54</u>			<u>Cross examination of Mr. Suh</u>	
	<u>A-57</u>	<u>2/8/08</u>	<u>x</u>		<u>Defendant's exhibit A-57-email re: conference call 5/8/01-defendant's request to admit exhibit is objected to by the government, the court will hear argument at the next break</u>	
		<u>11:55</u>			<u>The jury is released for 15 minute break</u>	
		<u>11:56</u>			<u>The court hears argument regarding Defendant's exhibit A-57. The exhibit will not be admitted at this time. Defendant will be held to the same standard as Plaintiff re: coconspirator statements and may submit something in writing by Monday morning to the court.</u>	
		<u>12:00</u>			<u>The court takes a 15 minute break</u>	
		<u>12:15</u>			<u>The court is back in session</u>	
		<u>12:15</u>			<u>Re-direct examination of Mr. Suh</u>	
		<u>12:35</u>			<u>Re-cross examination of Mr. Suh</u>	
		<u>12:44</u>			<u>Mr. Suh is excused</u>	
		<u>12:45</u>			<u>Plaintiff calls next witness Ronan Byrne-Mr. Byrne is sworn and a picture is taken</u>	
<u>479</u>		<u>2/8/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 479-phone chart 1999-2002</u>	
		<u>12:51</u>			<u>Cross examination of Mr. Byrne</u>	
		<u>1:01</u>			<u>Re-direct examination of Mr. Byrne</u>	
		<u>1:04</u>			<u>Re-cross examination of Mr. Byrne</u>	
		<u>1:05</u>			<u>Mr. Byrne is excused</u>	
		<u>1:06</u>			<u>Plaintiff calls next witness Jean Cha-Ms. Cha is sworn and a picture is taken</u>	
<u>490</u>		<u>2/8/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 490-compensation chart 2001-2002</u>	

Case No: CR 06-692-03 PJHCase Name: United States v. Gary Swanson**EXHIBIT and WITNESS LIST**

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
		<u>1:30</u>			<u>Cross examination of Ms. Cha, Ms. Cha is excused.</u>	
		<u>1:35</u>			<u>Court is adjourned for the day</u>	
					<b><u>February 11, 2008</u></b>	
		<u>8:05</u>			<u>The court hears argument regarding exhibits A-57-A-62</u>	
					<u>A-57 will be admitted as stated on the record. A-58-A-62 are not admitted at this time. Defendant must establish foundation as stated on the record before exhibits will be admitted. A-64 will not be admitted</u>	
					<u>Attorney Katherine Palmer appears to discuss her firms sealing request. The court will hear argument after the trial day at 1:30 p.m.</u>	
		<u>8:35</u>			<u>Plaintiff calls next witness Chae Kyun (C.K.) Chung-Mr. Chung is assisted by Korean interpreter Chol W. Kim (standby only) who has been sworn</u>	
					<u>The court reads an instruction as to Mr. Chung. Mr. Chung is sworn and a picture is taken</u>	
<u>3</u>		<u>2/11/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff 's exhibit 3-plea agreement dated 3/15/06</u>	
<u>128</u>		<u>2/11/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 128-email dated 7/3/01</u>	
<u>94</u>		<u>2/11/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 94-email dated 1/30/01</u>	
<u>96</u>		<u>2/11/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 96-email dated 2/16/01</u>	
<u>105</u>		<u>2/11/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 105-email dated 3/29/08</u>	
<u>184</u>		<u>2/11/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 184-email dated 12/14/01</u>	
<u>206</u>		<u>2/11/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 206-email dated 1/23/02</u>	
<u>225</u>		<u>2/11/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 225-email dated 3/6/02</u>	
		<u>10:03</u>			<u>The court takes a 15 minute break</u>	
		<u>10:20</u>			<u>The court is back in session, cross examination of Mr. Chung</u>	

Case No: CR 06-692-03 PJHCase Name: United States v. Gary Swanson

## EXHIBIT and WITNESS LIST

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
<u>363</u>		<u>2/11/08</u>	<u>x</u>		<u>Plaintiff's exhibit 363-email dated 5/13/02-offered by defendant. Defendant's request to admit exhibit is objected to by the government. Defendant's request to admit is sustained.</u>	
<u>361</u>		<u>2/11/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 361-email dated 7/12/01-offered by defendant</u>	
<u>230</u>		<u>2/11/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 230-email dated 3/14/02-offered by defendant</u>	
	<u>A-57</u>	<u>2/8/08</u>	<u>x</u>	<u>x</u>	<u>Defendant's A-57- conference call dated 5/8/01, exhibit A-57 was previously marked on 2/8 and admitted on 2/11</u>	
		<u>11:18</u>			<u>Re-direct examination of Mr. Chung</u>	
		<u>11:28</u>			<u>Re-cross examination of Mr. Chung</u>	
		<u>11:30</u>			<u>Plaintiff calls next witness Dae Soo (D.S.) Kim-Mr. Kim is assisted by Korean interpreter Chol W. Kim (standby only) who has been sworn</u>	
					<u>The court reads an instruction as to Mr. Kim. Mr. Kim is sworn and a picture is taken</u>	
<u>5</u>		<u>2/11/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 5-plea agreement dated 3/15/06</u>	
		<u>11:58</u>			<u>Jurors take a 15 minute break</u>	
		<u>11:59</u>			<u>The court addresses exhibit A-57- the court informs defense counsel that they may not question Mr. Kim as to exhibit A-57 unless they can establish he participated in the conference call as stated on the record.</u>	
		<u>12:05</u>			<u>The court takes a 15 minute break</u>	
		<u>12:20</u>			<u>Court is back in session, continued direct examination of Mr. Kim</u>	
<u>166</u>		<u>2/11/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 166-email dated 11/20/01</u>	
		<u>12:42</u>			<u>Cross examination of Mr. Kim</u>	
		<u>12:47</u>			<u>Mr. Kim is excused</u>	
		<u>12:48</u>			<u>Plaintiff calls next witness Michael Sadler-the court gives an instruction as to Mr. Sadler-Mr. Sadler is sworn and a picture is taken</u>	
<u>17</u>		<u>2/11/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 17-Immunity Letter and Amnesty Letter dated 9/11/03</u>	
<u>485</u>		<u>2/11/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 485-Micron Org Chart 2001-2002</u>	

**EXHIBIT and WITNESS LIST**

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
		<u>1:30</u>			<u>The jury is released for the day</u>	
		<u>1:33</u>			<u>Katherine Palmer appears-the court hears argument regarding sealing request-DENIED as stated on the record</u>	
		<u>1:50</u>			<u>The court is adjourned for the day</u>	
					<b><u>February 12, 2008</u></b>	
		<u>8:06</u>			<u>The court hears argument regarding co-conspirator statements submitted by the government, specifically exhibit 84. Only a portion of the email can be admitted as stated on the record. A redacted version shall be published to the jury. The governments requests to revisit the admittance of exhibit A-57. The court informs the parties that once defendant's witnesses have testified the court will then revisit this issue.</u>	
		<u>8:15</u>			<u>The court is in recess until 8:30</u>	
		<u>8:31</u>			<u>The court is back in session, continued direct examination of Michael Sadler</u>	
		<u>9:30</u>			<u>Cross examination of Mr. Sadler</u>	
		<u>10:05</u>			<u>The court takes a 15 minute break</u>	
		<u>10:23</u>			<u>The court is back in session; continued cross examination of Mr. Sadler</u>	
	<u>A-69</u>	<u>2/12/08</u>	<u>x</u>		<u>Defendant's exhibit A-69- email dated 5/17/01</u>	
	<u>A-89</u>	<u>2/12/08</u>	<u>x</u>		<u>Defendant's exhibit A-89-email dated 6/21/01</u>	
		<u>12:00</u>			<u>The court takes a 15 minute break</u>	
		<u>12:18</u>			<u>The court is back in session, continued cross examination of Mr. Sadler</u>	
	<u>A-142</u>	<u>2/12/08</u>	<u>x</u>		<u>Defendant's exhibit A-142-document dated 9/21/01</u>	
	<u>A-90</u>	<u>2/12/08</u>	<u>x</u>		<u>Defendant's exhibit A-90-document dated 7/30/01</u>	
		<u>1:30</u>			<u>The jury is released for the day and court is adjourned</u>	

**EXHIBIT and WITNESS LIST**

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
					<b>February 14, 2008</b>	
		<u>8:10</u>			<u>The court discusses preliminary issues with the parties</u>	
		<u>8:15</u>			<u>The court is in recess until 8:30</u>	
		<u>8:30</u>			<u>The court is back in session, continue cross examination of Mr. Sadler</u>	
	<u>A-155</u>	<u>2/14/08</u>	<u>x</u>		<u>Defendant's exhibit A-155-email dated 5/11/02</u>	
	<u>A-88</u>	<u>2/14/08</u>	<u>x</u>		<u>Defendant's exhibit A-88-email dated 6/11/02</u>	
	<u>A-87</u>	<u>2/14/08</u>	<u>x</u>		<u>Defendant's exhibit A-87-document dated 6/10/02</u>	
	<u>A-156</u>	<u>2/14/08</u>	<u>x</u>		<u>Defendant's exhibit A-156-April 30th Article</u>	
<u>216</u>		<u>2/14/08</u>	<u>x</u>		<u>Plaintiff's exhibit 216-email dated 2/14/02-offered by defendant</u>	
	<u>A-97</u>	<u>2/14/08</u>	<u>x</u>		<u>Defendant's exhibit A-97-emails dated 10/26/01</u>	
	<u>A-157</u>	<u>2/14/08</u>	<u>x</u>		<u>Defendant's exhibit A-157-travel authorization form</u>	
		<u>9:30</u>			<u>Re-direct examination of Mr. Sadler</u>	
		<u>9:58</u>			<u>Re-cross examination of Mr. Sadler</u>	
		<u>10:10</u>			<u>Mr. Sadler is excused and the court takes a 15 minute break</u>	
		<u>10:26</u>			<u>The court is back in session</u>	
		<u>10:26</u>			<u>Plaintiff calls next witness Keith Weinstock who is sworn and a picture is taken</u>	
<u>19</u>		<u>2/14/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 19-immunity letter and amnesty letter dated 3/4/03</u>	
<u>146</u>		<u>2/14/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 146-expense report dated 9/12/01</u>	
<u>74</u>		<u>2/14/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 74-email dated 6/14/00</u>	
		<u>11:27</u>			<u>Cross examination of Mr. Weinstock</u>	
	<u>A-158</u>	<u>2/14/08</u>	<u>x</u>		<u>Defendant's exhibit A-158-interview of Mr. Weinstock</u>	
	<u>A-159</u>	<u>2/14/08</u>	<u>x</u>	<u>x</u>	<u>Defendant's exhibit A-159-expense report</u>	
		<u>12:03</u>			<u>The court takes a 15 minute break</u>	
		<u>12:19</u>			<u>The court is back in session, continued cross examination of Mr. Weinstock</u>	



**EXHIBIT and WITNESS LIST**

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
	<u>A-66</u>	<u>2/14/08</u>	<u>x</u>		<u>Defendant's exhibit A-66-email dated 12/20/00</u>	
		<u>12:44</u>			<u>Mr. Weinstock is excused</u>	
		<u>12:45</u>			<u>Plaintiff calls next witness Steven Thorsen, who is sworn and a picture is taken</u>	
<u>18</u>		<u>2/14/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 18-immunity letter and amnesty letter dated 9/3/03</u>	
		<u>1:30</u>			<u>The court is adjourned for the day.</u>	
					<b><u>February 15, 2008</u></b>	
		<u>8:15</u>			<u>The court discusses preliminary issues with the parties</u>	
		<u>8:25</u>			<u>The court is in recess until 8:30</u>	
		<u>8:35</u>			<u>The court is back in session, continued direct examination of Mr. Thorsen</u>	
<u>197</u>		<u>2/15/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 197-email dated 1/11/02</u>	
<u>177</u>		<u>2/15/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 177-email dated 12/11/01</u>	
<u>176</u>		<u>2/15/08</u>	<u>x</u>		<u>Plaintiff's exhibit 176-email dated 12/10/01</u>	
<u>188</u>		<u>2/15/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 188-email dated 1/2/02</u>	
		<u>9:04</u>			<u>Cross examination of Mr. Thorsen</u>	
	<u>A-196</u>	<u>2/15/08</u>	<u>x</u>		<u>Defendant's exhibit A-196- interview of Steve Thorsen dated 9/15/03</u>	
<u>216</u>		<u>2/14/08</u>	<u>x</u> <u>2/14</u>	<u>x</u> <u>2/15</u>	<u>Plaintiff's exhibit 216-email dated 2/14/02, exhibit was marked for identification on 2/14 and admitted into evidence on 2/15</u>	
		<u>9:35</u>			<u>Mr. Thorsen is excused</u>	
		<u>9:35</u>			<u>The Plaintiff rests</u>	
		<u>9:36</u>			<u>The jury takes a break and the court hears argument on Defendant's Motion under Rule 29. The motion is DENIED but can be renewed at a later date.</u>	
		<u>10:00</u>			<u>The court takes a 15 minute break</u>	
		<u>10:18</u>			<u>The court is back in session, Defendant call first witness Steven Appleton who is sworn and a picture is taken.</u>	

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Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
	<u>A-183</u>	<u>2/15/08</u>	<u>x</u>		<u>Defendant's exhibit A-183-Interview of Steven Appleton</u>	
	<u>A-165</u>	<u>2/15/08</u>	<u>x</u>		<u>Defendant's exhibit A-165-email dated 5/28/02</u>	
	<u>A-184</u>	<u>2/15/08</u>	<u>x</u>		<u>Defendant's exhibit A-184-conference call notes dated 6/25/02</u>	
	<u>A-73</u>	<u>2/15/08</u>	<u>x</u>	<u>x</u>	<u>Defendant's exhibit A-73-document dated 9/7/01</u>	
					<u>Note: exhibits A-89, A-156 and A-87 were used in conjunction with Mr. Appleton, all three have been previously marked for identification</u>	
		<u>12:00</u>			<u>The court takes a 15 minute break</u>	
		<u>12:18</u>			<u>Cross examination of Mr. Appleton</u>	
		<u>12:37</u>			<u>Re-direct examination of Mr. Appleton</u>	
		<u>12:40</u>			<u>Mr. Appleton is excused</u>	
		<u>12:40</u>			<u>Defendant calls next witness Jay McBroom who is sworn and a picture is taken</u>	
		<u>12:55</u>			<u>Cross examination of Mr. McBroom</u>	
		<u>1:15</u>			<u>Re-direct examination of Mr. McBroom</u>	
		<u>1:20</u>			<u>Re-cross examination of Mr. McBroom</u>	
					<u>exhibit A-57, exhibit 83 and exhibit 98 used in conjunction with Mr. McBroom which have been previously marked and admitted into evidence</u>	
		<u>1:23</u>			<u>Mr. McBroom is excused and an instruction is read to the jury</u>	
		<u>1:24</u>			<u>The jury is released for the day</u>	
		<u>1:25</u>			<u>The court is adjourned for the day</u>	
					<b><u>February 19, 2008</u></b>	
		<u>8:10</u>			<u>The court discusses preliminary issues with the parties</u>	
		<u>8:25</u>			<u>The court is in recess until 8:30</u>	
		<u>8:34</u>			<u>The court is back in session</u>	
		<u>8:35</u>			<u>Defendant calls next witness Kathy Radford who is sworn and a picture us taken</u>	

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
	<u>A-179</u>	<u>2/19/08</u>	<u>x</u>		<u>Defendant's exhibit A-179-email dated 8/4/01</u>	
	<u>A-68</u>	<u>2/19/08</u>	<u>x</u>		<u>Defendant's exhibit A-68-email dated 1/9/01</u>	
	<u>A-70</u>	<u>2/19/08</u>	<u>x</u>		<u>Defendant's exhibit A-70-email dated 5/17/01</u>	
	<u>A-134</u>	<u>2/19/08</u>	<u>x</u>		<u>Defendant's exhibit A-134-email dated 11/17/00</u>	
	<u>A-178</u>	<u>2/19/08</u>	<u>x</u>		<u>Defendant's exhibit A-178-email dated 7/16/01</u>	
	<u>A-95</u>	<u>2/19/08</u>	<u>x</u>		<u>Defendant's exhibit A-95-email dated 9/4/01</u>	
		<u>9:12</u>			<u>Cross examination of Ms. Radford</u>	
<u>492</u>		<u>2/19/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 492-email dated 11/26/01</u>	
		<u>9:22</u>			<u>Re-direct examination of Ms. Radford</u>	
					<u>Note: exhibits A-69 and A-97 were used in conjunction with Ms. Radford which were previously marked for identification, and exhibit 485 has been previously marked and admitted into evidence</u>	
		<u>9:32</u>			<u>Ms. Radford is excused</u>	
		<u>9:33</u>			<u>Defendant calls next witness Jan du Preez, the court reads an instruction as to Ms. Radford and Mr. du Preez, Mr. du Preez is sworn and a picture is taken</u>	
	<u>A-54</u>	<u>2/19/08</u>	<u>x</u>		<u>Defendant's exhibit A-54-document dated 2/1/02</u>	
	<u>A-72</u>	<u>2/19/08</u>	<u>x</u>		<u>Defendant's exhibit A-72-document dated 9/14/01</u>	
	<u>A-190</u>	<u>2/19/08</u>	<u>x</u>		<u>Defendant's exhibit A-190-memo dated 8/17/01</u>	
	<u>A-151</u>	<u>2/19/08</u>	<u>x</u>		<u>Defendant's exhibit A-151-quarterly business presentation dated 4/10/02-defendant's request to admit this exhibit into evidence is DENIED by the court</u>	
	<u>A-208</u>	<u>2/19/08</u>	<u>x</u>		<u>Defendant's exhibit A-208-email dated 2002</u>	
	<u>A-150</u>	<u>2/19/08</u>	<u>x</u>		<u>Defendant's exhibit A-150-quarter 1 2002-defendant's request to admit this exhibit into evidence is DENIED by the court</u>	
		<u>10:23</u>			<u>The court takes a 15 minute break</u>	
		<u>10:40</u>			<u>The court is back in session</u>	
		<u>10:41</u>			<u>Cross examination of Mr. du Preez</u>	

**EXHIBIT and WITNESS LIST**

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
		<u>10:48</u>			<u>Mr. du Preez is excused</u>	
		<u>10:49</u>			<u>Defendant calls next witness Jerry Hausman, Mr. Hausman is sworn and a picture is taken</u>	
	<u>A-205</u>	<u>2/19/08</u>	<u>x</u>		<u>Defendant's exhibit A-205</u>	
	<u>A-202</u>	<u>2/19/08</u>	<u>x</u>		<u>Defendant's exhibit A-202-Hausman report</u>	
	<u>A-153</u>	<u>2/19/08</u>	<u>x</u>	<u>x</u>	<u>Defendant's exhibit A-153-DRAM average sales price index</u>	
	<u>A-203</u>	<u>2/19/08</u>	<u>x</u>	<u>x</u>	<u>Defendant's exhibit A-203-Hausman data- <b>page 39 of 49 only</b></u>	
	<u>A-206</u>	<u>2/19/08</u>	<u>x</u>	<u>x</u>	<u>Defendant's exhibit A-206-Hausman data</u>	
		<u>11:50</u>			<u>The court takes a 15 minute break</u>	
		<u>12:05</u>			<u>The court is back in session</u>	
		<u>12:07</u>			<u>Cross examination of Mr. Hausman</u>	
		<u>12:35</u>			<u>Re-direct examination of Mr. Hausman</u>	
		<u>12:36</u>			<u>Mr. Hausman is excused</u>	
		<u>12:37</u>			<u>Defendant calls next witness Gary Swanson. Mr Swanson is sworn and a picture is taken</u>	
	<u>A-19</u>	<u>2/19/08</u>	<u>x</u>	<u>x</u>	<u>Defendant's exhibit A-19-email dated 11/19/01</u>	
	<u>A-201</u>	<u>2/19/08</u>	<u>x</u>	<u>x</u>	<u>Defendant's exhibit A-201-email dated 12/10/01</u>	
					<u>Note: exhibits 145,158,479,166, 128, 216, A-159 and 479 were used in conjunction with Mr. Swanson which have been previously marked and admitted into evidence</u>	
		<u>1:30</u>			<u>The jury is release for the day</u>	
		<u>1:33</u>			<u>The court is adjourned for the day</u>	
					<b><u>February 21, 2008</u></b>	
		<u>8:30</u>			<u>The court is back in session, continued direct examination of Gary Swanson</u>	
		<u>9:33</u>			<u>Cross examination of Mr. Swanson</u>	
<u>220</u>		<u>2/21/08</u>	<u>x</u>	<u>x</u>	<u>Plaintiff's exhibit 220-email dated 2/26/02</u>	
		<u>10:10</u>			<u>The court takes a 15 minute break</u>	

**EXHIBIT and WITNESS LIST**

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
		<u>10:28</u>			<u>The court is back in session, continued cross examination of Mr. Swanson</u>	
<u>496</u>		<u>2/21/08</u>	<u>x</u>		<u>Plaintiff's exhibit 496-definition of consensus</u>	
		<u>12:05</u>			<u>The court takes a 15 minute break</u>	
		<u>12:25</u>			<u>The court is back in session, continued cross examination of Mr. Swanson</u>	
<u>493</u>		<u>2/21/08</u>	<u>x</u>		<u>This exhibit is out of the time frame that is allowed and will not be used</u>	
		<u>12:48</u>			<u>Mr. Swanson is excused</u>	
		<u>12:49</u>			<u>The defendant rests, no further witnesses will be called by plaintiff, the plaintiff rests</u>	
					<u>Note: exhibits 253, 94, 479, 96, 105, 182, 184, 187, 361, A-57, 236, 145, 83, 199, 225, 230, 166, 128 were used in conjunction with Mr. Swanson which have been previously marked and admitted into evidence</u>	
		<u>12:50</u>			<u>The jury is released for the day</u>	
		<u>12:51</u>			<u>The court takes a 15 minute break</u>	
		<u>1:08</u>			<u>The court is back in session</u>	
		<u>1:09</u>			<u>Defendant's renewed Rule 29 motion-DENIED as stated on the record</u>	
					<u>The court reviews the exhibits with the parties. Exhibit A-57 will remain in evidence as stated on the record, A-203 is not in evidence and should not go to the jury, all the coconspirator emails will remain in evidence.</u>	
					<u>The court reviews the jury instructions to the parties. All outstanding instructions as discussed on the record shall be submitted to the court in the morning</u>	
					<u>Defendant's Motion Re: Instruction for Multiple Conspiracies-DENIED as stated on the record. The court will allow an instruction clarifying what the defendant is not being charged with as stated on the record.</u>	
		<u>2:10</u>			<u>The court is adjourned for the day</u>	

**EXHIBIT and WITNESS LIST**

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
					<b><u>February 22, 2008</u></b>	
		<u>8:30</u>			<u>Plaintiff's closing arguments</u>	
		<u>9:40</u>			<u>Court takes a 15 minute break</u>	
		<u>9:57</u>			<u>Defendant's closing arguments</u>	
		<u>11:51</u>			<u>Court takes a 15 minute break</u>	
		<u>12:08</u>			<u>Plaintiff's rebuttal</u>	
		<u>1:02</u>			<u>Jury Instructions read</u>	
		<u>1:50</u>			<u>Court adjourns for the day, the jury to begin deliberations on Monday 2/25/08</u>	
					<b><u>February 25, 2008</u></b>	
		<u>8:30</u>			<u>Jury deliberations begin</u>	
		<u>1:09</u>			<u>The jury submits note number one and the parties appear in court to discuss the note</u>	
		<u>2:00</u>			<u>A decision is made regarding the jury note number one, and an additional instruction is given to the jury in writing.</u>	
		<u>2:00</u>			<u>The jury is excused for the day.</u>	
					<b><u>February 26, 2008</u></b>	
		<u>8:30</u>			<u>Jury deliberations continue</u>	
		<u>1:50</u>			<u>The court discusses the schedule for the rest of the week with the jury</u>	
		<u>1:55</u>			<u>The jury is excused for the day</u>	
					<b><u>February 28, 2008</u></b>	
		<u>8:30</u>			<u>The court receives a call from juror number 7 that she will not be appearing for deliberations today</u>	
		<u>9:15</u>			<u>The court takes the bench to discuss options in light of the fact that juror number 7 will not appear today. Since juror number 7 can be available tomorrow the court will keep current jury intact and resume tomorrow</u>	
		<u>9:38</u>			<u>The court dismisses the jury for the day</u>	

**EXHIBIT and WITNESS LIST**

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
		<u>9:50</u>			<u>Alternate juror number 1 appears. The court inform alternate juror number 1 that she will not be needed today but she shall remain on standby</u>	
		<u>10:05</u>			<u>The court adjourns for the day</u>	
					<b><u>February 29, 2008</u></b>	
		<u>8:30</u>			<u>All 12 jurors are present and deliberations continue</u>	
		<u>11:45</u>			<u>The court receives jury note number 2</u>	
		<u>12:35</u>			<u>The court discusses the note with the parties</u>	
		<u>12:41</u>			<u>The jury is called in, the court reporter reads back portions of testimony that the court finds relevant to the question asked</u>	
		<u>1:10</u>			<u>The jury is dismissed to continue deliberations</u>	
		<u>3:55</u>			<u>The jury is called in and the schedule is discussed for next week</u>	
		<u>4:00</u>			<u>The jury is dismissed and the court adjourns for the day</u>	
					<b><u>March 3, 2008</u></b>	
		<u>8:30</u>			<u>Jury deliberations continue</u>	
		<u>11:47</u>			<u>The jury submits question number 3 to the court</u>	
					<u>The parties appear and are given the questions, the court breaks for 10 minutes to give the parties an opportunity to discuss the question</u>	
		<u>12:05</u>			<u>The court is back in session and each side gives opinion as to what should be given to the jury</u>	
		<u>12:15</u>			<u>The court is in recess until the jury returns from lunch</u>	
		<u>12:35</u>			<u>The court is back in session, the jury is called in and the court re-reads two jury instructions as stated on the record</u>	
		<u>12:40</u>			<u>The jury is dismissed to continue deliberations and the court is in recess until 3:45</u>	
		<u>3:45</u>			<u>The court is back in session, the jury is called in and released for the day</u>	
		<u>4:00</u>			<u>The court is adjourned for the day</u>	

**EXHIBIT and WITNESS LIST**

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
					<b><u>March 4, 2008</u></b>	
		<u>8:30</u>			<u>Jury deliberations continue</u>	
		<u>9:30</u>			<u>The court receives jury note number 4</u>	
		<u>9:43</u>			<u>The court is back in session, the jury is called in and an additional jury instruction is read</u>	
		<u>9:53</u>			<u>The court is in recess until 3:45</u>	
		<u>3:55</u>			<u>The court is back in session, the jury is called in and released for the day</u>	
		<u>4:00</u>			<u>The court is adjourned for the day</u>	
					<b><u>March 5, 2008</u></b>	
		<u>8:30</u>			<u>Jury deliberations continue</u>	
		<u>11:30</u>			<u>The court receives jury note number 5</u>	
		<u>12:25</u>			<u>The court is back in session, the jury is called in and testimony is read back surrounding exhibit 128</u>	
		<u>1:30</u>			<u>The court is in recess</u>	
		<u>3:20</u>			<u>The court receives jury note number 6</u>	
		<u>3:30</u>			<u>The court is back in session, the jury is called in and testimony is read back surrounding exhibit 166</u>	
		<u>4:05</u>			<u>The court is adjourned for the day</u>	
					<b><u>March 6, 2008</u></b>	
		<u>8:30</u>			<u>Jury deliberations continue</u>	
		<u>9:00</u>			<u>The court receives jury note number 7</u>	
		<u>9:22</u>			<u>The court is back in session, the jury is called in and testimony is read back surrounding exhibit 96</u>	
		<u>9:32</u>			<u>The court is in recess</u>	
		<u>10:30</u>			<u>The court receives jury note number 8</u>	
		<u>10:42</u>			<u>The court is back in session, the jury is called in and testimony is read back surrounding exhibit 182</u>	



**EXHIBIT and WITNESS LIST**

Continued

PLF NO.	DEF NO	DATE OFFERED	ID	REC	DESCRIPTION	BY
		<u>11:22</u>			<u>the court is in recess</u>	
		<u>2:00</u>			<u>the court receives jury note number 9</u>	
		<u>2:20</u>			<u>. Jury announced for second time that it was unable to reach a unanimous verdict. The court polled each member of the jury as to whether they were hopelessly deadlocked and whether there was a reasonable probability that a unanimous verdict could be reached if they continued their deliberations.</u>	
					<u>Mistrial is declared by the court</u>	
		<u>2:30</u>			<u>The court is adjourned</u>	