

charge focused on a conspiracy to suppress and eliminate competition by allocating packaged ice customers in southeastern Michigan and the Detroit, Michigan metropolitan area, in violation of 15 U.S.C. § 1.

3. I make this declaration in support of The United States' Opposition to Plaintiffs' Motion to Compel the United States Department of Justice to Produce Certain Tape Recordings and Verbatim Transcripts.
4. I am aware that the plaintiffs in this case seek production from the Antitrust Division of three sets of recorded conversations. The first set lists effectively 11 conversations recorded by Home City employees and other packaged ice manufacturers. The second set requests "any recording of conversation to which Mr. Martin G. McNulty was one of the parties, and which: (a) the other party to the conversation was at the time, had been or subsequently became, affiliated with Home City Ice, Arctic Glacier, or Reddy Ice; or (b) the conversation mentioned a person who was at the time, had been, or subsequently became, affiliated with Home City Ice, Arctic Glacier, or Reddy Ice". The third set requests "any recording of conversation to which Mr. Gary Mowery was a party, and which: (a) the other party to the conversation was at the time, had been or subsequently became, affiliated with Home City Ice, Arctic Glacier, or Reddy Ice; or (b) the conversation mentioned a person who was at the time, had been, or subsequently became, affiliated with Home City Ice, Arctic Glacier, or Reddy Ice."

5. Because of my role in the packaged ice investigation, I am familiar with the recordings in the possession of the Antitrust Division that would be responsive to the plaintiffs' request.
6. During the course of the packaged ice investigation, I, or others assigned to the investigation, listened to all of the subpoenaed audio recordings pertaining to the investigation in the possession of the Antitrust Division.
7. Draft transcripts of some the recordings have been created by me or by people working with me. Full draft transcripts exist of some recordings. Some recordings have not been transcribed.
8. I am aware that Antitrust Division attorneys selected the recordings to be transcribed in consultation with other Antitrust Division attorneys, paralegals, and agents of the Federal Bureau of Investigation ("FBI") assigned to the criminal investigation. The selections were based on the Antitrust Division's need for a draft transcript. For example, recordings that were deemed important or potentially useful in the criminal investigation and prosecutions were transcribed.
9. In order to prepare the draft transcripts, the transcriber would, if appropriate, consult with other personnel working on the grand jury investigation, including attorneys, paralegals, or FBI agents to evaluate what was heard on the tapes in light of other information learned during the investigation.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on this 28th day of March 2011.



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