

UNITED STATES DISTRICT COURT SOUTHERN INDIANA

USA -VS- BLATZHEIM, JOHN J.

ALL06-CR-0061-04-M/F

FILED	CLOSED	OFFENSE	NO. DEFTS	MAG CASE NO.	JUDGE	MAGISTRATE
04/11/2006	02/20/2007	Felony	4	N/A	MCKINNEY	FOSTER

USA
plaintiff

FRANK J. VONDRAK
USDOJ ANTITRUST DIVISION
209 SOUTH LASALLE #600
CHICAGO, IL 60604
(312)353-7530

V.
BLATZHEIM, JOHN J.
defendant

THOMAS W FARLOW
LOCKE REYNOLDS LLP
201 N ILLINOIS STREET SUITE 1000
PO BOX 44961
INDIANAPOLIS, IN 46244
(317)237-3800
DARREN CRAIG
201 N.ILLINOIS ST. SUITE 1000
PO BOX 44961
INDIANAPOLIS, IN 46244

NO.	COUNTS	OFFENSE
1	1	ANTITRUST VIOLATIONS
2	1	STATEMENTS OR ENTRIES GENERALLY

DATE	PROCEEDINGS
04/11/2006	INDICTMENT FILED eod 04/12/06 [PG]
04/11/2006	CRIM INFO SHEET eod 04/12/06 [PG]
04/11/2006	PRAECIPE for Summons eod 04/12/06 [PG]
04/12/2006	SUMMONS ISSUED ASSIGNS HEARING to 04/25/06 at 02:30PM Room 243 (KPF) c/m eod 04/12/06 [PG]
04/12/2006	PRETRIAL SERVICE ORDER ISSUED LJM/pag eod 04/12/06 [PG]
04/17/2006	APPEARANCE - RET by Thomas Farlow on behalf of Defendant eod 04/17/06 [PG]
04/17/2006	USM RETURN of Summons served personally on Defendant on 4/17/06 eod 04/18/06 [PG]
04/24/2006	

- NGPL ORDER ASSIGNS JURY TRIAL to 06/05/06 at 09:30AM Room 202 (LJM) c/m eod 04/24/06 [PG]
- 04/25/2006 MOTION for an Agreed-Upon Protective Order by USA c/s eod 04/25/06 [PG]
- 04/25/2006 COURTROOM MINUTES - Initial Appearance on Indictment KPF eod 04/26/06 [MAC]
- 04/25/2006 APPEARANCE FOR THE USA BY AUSA F. Vondrak eod 04/26/06 [MAC]
- 04/25/2006 DEFT APPEARS IN PERSON AND with retained Counsel T. Farlow eod 04/26/06 [MAC]
- 04/25/2006 USPO Represented by M. Renshaw eod 04/26/06 [MAC]
- 04/25/2006 CHARGES & RIGHTS and Penalties read and explained. eod 04/26/06 [MAC]
- 04/25/2006 Parties ordered to meet and confer regarding disclosure of evidence on or before 5/12/06. Deft waived formal arraignment. eod 04/26/06 [MAC]
- 04/25/2006 RELEASED ON OWN RECOGNIZANCE W/PERSONAL SURETY pending further proceedings before the Court eod 04/26/06 [MAC]
- 04/25/2006 ORDER - Agreed-Upon Protective Order LJM c/m. eod 04/26/06 [PG]
- 05/02/2006 ENTRY ASSIGNS HEARING to 05/09/06 at 04:00PM Room 202 (LJM) c/m (Hearing on representation - Defts 1-3) eod 05/02/06 [PG]
- 05/04/2006 MOTION IN LIMINE to Exclude Improper Evidence and Arguments Relating to Its Decisions to Grant Amnesty to Certain Companies and Individuals and to Immunize Certain Individuals by USA eod 05/04/06 [PG]
- 05/04/2006 MOTION IN LIMINE to Exclude Improper Evidence and Arguments Relating to the Competitiveness of the Ready Mixed Concrete Industry or the Financial Condition of Conspirators by USA eod 05/04/06 [PG]
- 05/04/2006 MOTION IN LIMINE to Exclude Improper Evidence and Arguments Designed to Elicit Jury Nullification by USA eod 05/04/06 [PG]
- 05/04/2006 MOTION IN LIMINE to Exclude Improper Evidence and Arguments Concerning Defendants' Lack of Intent to Violate, or Ignorance of, the Antitrust Laws by USA eod 05/04/06 [PG]
- 05/04/2006 MOTION IN LIMINE for Admission of Guilty Pleas, Plea Agreements, Amnesty Agreements, Nonprosecution Commitments, and Orders Compelling Testimony by USA eod 05/04/06 [PG]
- 05/04/2006 MOTION IN LIMINE to Exclude Improper Evidence and Arguments Relating to Potential Punishment or other Effects of Conviction by USA eod 05/04/06 [PG]
- 05/04/2006 MOTION IN LIMINE to Exclude Improper Evidence and Arguments Relating to the Effects of, Or the Justification For, The Charged Conspiracy by USA eod 05/04/06 [PG]
- 05/04/2006 Certificate of Service by USA eod 05/04/06 [PG]
- 05/04/2006 MOTION to File United States' Voluntary Bill of Particulars Under Seal by USA eod 05/04/06 [PG]

- 05/04/2006 MOTION to File Evidentiary Proffer as to Co-Conspirators Statements Under Seal by USA eod 05/04/06 [PG]
- 05/09/2006 ENTRY VACATES HEARING of 05/09/06 at 4:00PM Room 202 (LJM) c/m eod 05/10/06 [PG]
- 05/09/2006 ENTRY REASSIGNS HEARING to 05/17/06 at 11:00AM Room 202 (LJM) c/m eod 05/10/06 [PG]
- 05/09/2006 ENTRY ASSIGNS CONF to 05/17/06 at 11:15AM Room 202 (LJM) c/m (pre-trial conference) eod 05/10/06 [PG]
- 05/10/2006 ENTRY VACATES JURY TRIAL of 06/05/06 at 09:30AM Room 202 (LJM) c/m eod 05/10/06 [PG]
- 05/10/2006 ENTRY REASSIGNS JURY TRIAL to 06/12/06 at 09:30AM Room 202 (LJM) c/m eod 05/10/06 [PG]
- 05/10/2006 ORDER Granting USA Motion to File Voluntary Bill of Particulars Under Seal LJM c/m eod 05/11/06 [PG]
- 05/17/2006 MOTION Requesting Hearing on Defendant's Motion to Suppress Statements Made to Frank Vondrak and James Kouns by Deft c/s. eod 05/18/06 [PG]
- 05/17/2006 MOTION to Suppress Statements made to Frank Vondrak and James Kouns by Deft c/s. eod 05/18/06 [PG]
- 05/17/2006 BRIEF in Support of Motion to Suppress Statements Made to Frank Vondrak and James Kouns by Deft c/s.' eod 05/18/06 [PG]
- 05/17/2006 COURTROOM MINUTES for May 17, 2006 Hearing on attorney conflict is held and concluded eod 05/19/06 [PG]
- 05/17/2006 APPEARANCE FOR THE USA BY AUSA Frank Vondrak and Jonathan Epstein DOJ eod 05/19/06 [PG]
- 05/17/2006 DEFT APPEARS IN PERSON AND by counsel eod 05/19/06 [PG]
- 05/17/2006 The Court advises defts Chris A. Beaver and Ricky J. Beaver and offers counseling on the advisability of each deft being represented by separate counsel. Jeffrey Lockwood will remain as counsel for both defts eod 05/19/06 [PG]
- 05/17/2006 Pre-trial conference held eod 05/19/06 [PG]
- 05/17/2006 ENTRY ASSIGNS CONF to 06/02/06 at 10:00AM Room 202 (LJM) c/m (Final Pre-trial conference) Pre-trial motions are due on or before May 30 with responses and oral arguments on June 2, 2006 eod 05/19/06 [PG]
- 05/17/2006 APPEARANCE - RET by Darren A. Craig on behalf of deft. c/s. eod 05/19/06 [PG]
- 05/19/2006 Defendant John Blatzheim's RESPONSE to United States' Motion in Limine to Exclude Improper Evidence and Arguments Concerning Defendants' Lack of Intent to Violate, or Ignorance of the Antitrust Laws c/s. eod 05/22/06 [PG]
- 05/19/2006 Defendant John Blatzheim's RESPONSE to United States' Motion in Limine to Exclude Improper Evidence and Arguments Relating to its Decisions to Grant Amnesty to Certain Companies and Individuals and to Immunize Certain Individuals c/s. eod 05/22/06 [PG]

- 05/19/2006 Defendant John Blatzheim's RESPONSE to United States' Motion in Limine to Exclude Improper Evidence and Arguments Relating to the Effects of, or the Justifications for, the Charged Conspiracy c/s. eod 05/22/06 [PG]
- 05/19/2006 Defendant John Blatzheim's RESPONSE to United States' Motion in Limine to Exclude Improper Evidence and Arguments Relating to Potential Punishment or Other Effects of Conviction c/s. eod 05/22/06 [PG]
- 05/19/2006 Defendant John Blatzheim's RESPONSE to United States' Motion in Limine for Admission of Guilty Pleas, Plea Agreements, Amnesty Agreements, Nonprosecution Commitments, and Orders Compelling Testimony c/s. eod 05/22/06 [PG]
- 05/19/2006 Defendant John Blatzheim's RESPONSE to United States' Motion in Limine to Exclude Improper Evidence and Arguments Relating to the Competitiveness of the Ready Mixed Concrete Industry or the Financial Condition of Conspirators c/s. eod 05/22/06 [PG]
- 05/19/2006 Defendant John Blatzheim's Response to United States' Motion in Limine to Exclude Improper Evidence and Arguments Designed to Elicit Jury Nullification c/s. eod 05/22/06 [PG]
- 05/22/2006 ORDER ASSIGNS HEARING to 05/25/06 at 10:00AM Room 202 (LJM) c/m - Evidentiary hearing on Motion to Suppress - #28 - eod 05/23/06 [KJM]
- 05/23/2006 MOTION TO CONTINUE Trial Date Currently set for June 12, 2006 by defendant, MA-RI-AL Corporation c/s. eod 05/30/06 [PG]
- 05/26/2006 ORDER VACATES JURY TRIAL of 06/12/06 at 09:30AM Room 202 (LJM) c/m eod 05/30/06 [PG]
- 05/26/2006 ORDER REASSIGNS JURY TRIAL to 07/31/06 at 09:30AM Room 202 (LJM) c/m eod 05/30/06 [PG]
- 05/31/2006 USPO Petition on scheduled discharge of supervision eod 05/31/06 [PG]
- 06/01/2006 ORDER DENYING Defendant John Blatzheim's Motion to Suppress statements made to Frank Vondrak LJM c/m. eod 06/01/06 [PG]
- 06/01/2006 MOTION TO CONTINUE Jury Trial Setting of July 31, 2006 by Defendant, John Blatzheim c/s. eod 06/01/06 [PG]
- 06/02/2006 ENTRY VACATES CONF of 06/02/06 at 10:00AM Room 202 (LJM) c/m eod 06/02/06 [PG]
- 06/02/2006 ENTRY REASSIGNS CONF to 06/21/06 at 02:00PM Room 202 (LJM) c/m (Pre-trial and motions conference) eod 06/02/06 [PG]
- 06/06/2006 RESPONSE by USA to Defendant John Blatzheim's Motion to Continue Jury Trial Setting of July 31, 2006 c/s eod 06/06/06 [PG]
- 06/07/2006 REPLY (consolidated) to def't's responses to govt's motions in limine. USA c/s eod 06/07/06 [LSC]
- 06/08/2006 ORDER VACATES JURY TRIAL of 07/31/06 at 09:30AM Room 202 (LJM) c/m eod 06/09/06 [KJM]
- 06/08/2006 ORDER VACATES CONF of 06/21/06 at 2:00PM Room 202 (LJM) c/m eod 06/09/06 [KJM]
- 06/08/2006 ORDER REASSIGNS JURY TRIAL to 10/23/06 at 09:30AM Room 202 (LJM) c/m eod 06/09/06 [KJM]

06/08/2006 ORDER REASSIGNS HEARING to 10/06/06 at 03:00PM Room 202 (LJM) c/m (Final pre-trial conference and hearing on pre-trial motions) eod 06/09/06 [KJM]

07/17/2006 ENTRY VACATES JURY TRIAL of 10/23/06 at 09:30AM Room 202 (LJM) c/m eod 07/18/06 [PG]

07/17/2006 ENTRY REASSIGNS JURY TRIAL to 10/30/06 at 09:30AM Room 202 (LJM) c/m eod 07/18/06 [PG]

08/18/2006 ENTRY VACATES JURY TRIAL of 10/30/06 at 09:30AM Room 202 (LJM) c/m eod 08/18/06 [PG]

08/18/2006 ENTRY REASSIGNS JURY TRIAL to 11/13/06 at 09:30AM Room 202 (LJM) c/m eod 08/18/06 [PG]

09/27/2006 MOTION TO CONTINUE 10/6/06 pre-trial conference. cs/DEFTS Chris A. Beaver and Rick J. Beaver eod 09/28/06 [KJM]

09/28/2006 ORDER VACATES HEARING of 10/06/06 at 3:00PM Room 202 (LJM) c/m eod 09/28/06 [KJM]

09/28/2006 ORDER REASSIGNS CONF to 11/03/06 at 11:00AM Room 204 (LJM) c/m (Pre-trial conference) eod 09/28/06 [KJM]

10/16/2006 MOTION for Admission of Certain Charts, Tables, and Summaries of Voluminous Documents - USA eod 10/16/06 [MAC]

10/16/2006 TRIAL BRIEF - USA eod 10/16/06 [MAC]

10/16/2006 CERTIFICATE of Service of Trial Brief and Motion for Admission of Certain Charts, Tables, and Summaries of Voluminous Documents sent by Federal Express on 10/13/06 - USA eod 10/16/06 [MAC]

10/27/2006 MOTION IN LIMINE to Exclude Michael W. Boomgarden as defense witness by USA c/s. eod 10/27/06 [PG]

10/27/2006 MEMORANDUM of Law in Support of USA Motion in Limine to exclude Michael W. Boomgarden as defense witness c/s. eod 10/27/06 [PG]

10/30/2006 ORDER Regarding Admission of Certain Charts, Tables, and Summaries of Voluminous Documents LJM c/m. eod 10/31/06 [PG]

10/31/2006 ENTRY - The Court was informed that a plea agreement will be filed forthwith in this case eod 11/01/06 [PG]

10/31/2006 ENTRY VACATES JURY TRIAL of 11/13/06 at 09:30AM Room 202 (LJM) c/m (as to this deft only) eod 11/01/06 [PG]

10/31/2006 ENTRY ASSIGNS GLTY PLEA HRG to 11/03/06 at 11:30AM Room 202 (LJM) c/m eod 11/01/06 [PG]

11/02/2006 PETITION TO ENTER A PLEA OF GUILTY and Request for Presentence Investigation and Review of Presentence Report cc: USPO eod 11/02/06 [PG]

11/02/2006 PLEA AGREEMENT cc: USPO eod 11/02/06 [PG]

11/03/2006 COURTROOM MINUTES for November 3, 2006 Hearing on Defendant's Petition to Enter a Plea of Guilty is held eod 11/06/06 [PG]

11/03/2006 APPEARANCE FOR THE USA BY AUSA Frank Vondrak, USDOJ eod 11/06/06 [PG]

11/03/2006 DEFT APPEARS IN PERSON AND by counsel, Thomas Farlow and Darren Craig eod 11/06/06 [PG]

11/03/2006 USPO Represented by Holly Barrineau eod 11/06/06 [PG]

11/03/2006 COURT REPORTER is Pat Cline eod 11/06/06 [PG]

11/03/2006 COURT FINDS factual basis for plea and plea voluntarily made. eod 11/06/06 [PG]

11/03/2006 COURT ACCEPTS plea agreement and ADJUDGES deft GUILTY as charged. eod 11/06/06 [PG]

11/03/2006 ENTRY ASSIGNS SENTENCING DATE to 02/09/07 at 11:00AM Room 202 (LJM) c/m eod 11/06/06 [PG]

11/08/2006 TRANSCRIPT of November 3, 2006 Guilty Plea Hearing. Court Reporter Pat Cline. eod 11/08/06 [PG]

01/03/2007 NOTICE of Change of Address by Attorney Jeffrey Lockwood c/s. eod 01/04/07 [PG]

02/06/2007 United States' Sentencing Memorandum eod 02/06/07 [PG]

02/09/2007 COURTROOM MINUTES for 2/9/07 Sentencing Hearing with contested issues is held and concluded. eod 02/12/07 [PG]

02/09/2007 APPEARANCE FOR THE USA BY AUSA Frank Vondrak and Jonathan Epstein, USDOJ. eod 02/12/07 [PG]

02/09/2007 DEFT APPEARS IN PERSON AND by counsel, Thomas Farlow and Darren Craig eod 02/12/07 [PG]

02/09/2007 USPO Represented by Dave Schoettmer eod 02/12/07 [PG]

02/09/2007 COURT REPORTER is Glen Cunningham eod 02/12/07 [PG]

02/09/2007 SENTENCING HELD J&C Forthcoming eod 02/12/07 [PG]

02/07/2007 SENTENCING MEMORANDUM. c/s DEFT (docketed out of order) eod 02/15/07 [KJM]

02/20/2007 JUDGMENT ENTERED COUNT/FINDING: Deft plead guilty to count 1, Sherman Antitrust Act Violation IMPRISONMENT: 9 months RECOMMENDATION: That Deft be designated to FPC Terre Haute, IN SUPERVISED RELEASE: 1 year Standard & Special conditions of Supervision - See Judgment ASSESSMENT: 100.00 FINE: 5,000 OBV 41 PG 46 eod 02/20/07 [PG]

02/20/2007 TRANSCRIPT of February 9, 2007 Sentencing Hearing. Glen Cunningham Court Reporter. eod 02/21/07 [PG]

05/01/2007 ORDER placing attachments to docket #67 under seal in violation of LR 5.2 LJM c/m. eod 05/02/07 [PG]