

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	Criminal No.: 1:09cr149
Plaintiff	)	
	)	
v.	)	HON. HERMAN J. WEBER
	)	
ARCTIC GLACIER,	)	
INTERNATIONAL INC.,	)	
	)	
Defendant.	)	

**MOTION TO ESTABLISH PROCEDURE FOR CRIME VICTIM NOTIFICATION**

The United States, through its counsel, hereby moves as follows:

1. Pursuant to 18 U.S.C. § 3771(d)(2), the United States Department of Justice, Antitrust Division makes a motion requesting that this Court adopt a “reasonable procedure” for providing notice to “crime victims” as provided for under the Crime Victims’ Rights Act, 18 U.S.C. § 3771 (the “Act.”)

2. The Act, as amended in 2004, requires that the Department of Justice use its “best efforts” to see that “crime victims” are notified of and accorded rights as described in 18 U.S.C. § 3771(a). 18 U.S.C. § 3771(c)(1). The Act defines “crime victim” as a “person directly and proximately harmed as a result of the commission of a Federal offense or an offense in the District of Columbia.” 18 U.S.C. § 3771(e).

3. The rights of a crime victim under the Act include the “right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused.” 18 U.S.C. § 3771(a)(2).

4. Where, however, the court finds that the number of crime victims makes it “impracticable” to accord all of the crime victims the rights in § 3771(a), the court “shall fashion a reasonable procedure” to give effect to the Act that does not “unduly complicate or prolong the proceedings.” 18 U.S.C. § 3771(d)(2).

5. In the antitrust case before this Court entitled United States v. Arctic Glacier International Inc., 01:09cr149, the government submits that the number of “crime victims” directly and proximately harmed by the subject packaged-ice conspiracy would make it impracticable for the government to provide to each victim individual notices about every public court proceeding. Furthermore, victims harmed by the packaged-ice conspiracy are already on notice. The government has already issued a widely distributed press release and numerous civil antitrust cases have been filed on behalf of the alleged victims.

6. Accordingly, the government asks that this Court adopt a “reasonable procedure” for providing notices to crime victims in the criminal case before this Court. 18 U.S.C. § 3771(d)(2). Specifically, the government proposes that for any proceeding requiring victim notice under 18 U.S.C. § 3771(a)(2), the government will: (1) provide reasonable notice of the proceeding on the internet, at the publicly accessible web site for the Antitrust Division, <http://www.usdoj.gov/atr>, rather than providing individual notices to the crime victims; and (2) the government will place an advertisement in the Detroit Free Press notifying the public that such notice of public court proceedings will be provided through its web site, <http://www.usdoj.gov/atr>. Providing notice on the internet in conjunction with an advertisement directing victims of the packaged-ice conspiracy to the website, will accomplish the purpose of

the Act with respect to reasonable notice without unduly complicating or prolonging the proceedings. 18 U.S.C. § 3771(d)(2).

/s/ Kevin C. Culum

KEVIN C. CULUM

[3460-MT]

DONALD M. LYON

[WA 19207]

MACHELLE L. JINDRA

[OH 0082066]

Attorneys

U.S. Department of Justice

Antitrust Division

Carl B. Stokes U.S. Court House

801 W. Superior Avenue, 14<sup>th</sup> Floor

Cleveland, OH 44113-1857

Telephone: (216) 687-8400

Fax: (216) 687-8423

Email: [Kevin.Culum@usdoj.gov](mailto:Kevin.Culum@usdoj.gov)

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of October, 2009, the foregoing *Motion to Establish Procedure for Crime Victim Notification* was filed electronically and to the best of my knowledge, information and belief, counsel for defendant Arctic Glacier International Inc., will be notified through the Electronic Case Filing System.

/s/ Kevin C. Culum

KEVIN C. CULUM

[3460-MT]

Attorney

U.S. Department of Justice

Antitrust Division

Carl B. Stokes, U.S. Court House

801 W. Superior Avenue, 14<sup>th</sup> Floor

Cleveland, OH 44113-1857

Telephone: (216) 687-8415

Fax: (216) 687-8423

Email: [Kevin.Culum@usdoj.gov](mailto:Kevin.Culum@usdoj.gov)