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13 Attorneys for Defendant
BARRY BONDS

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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION
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19 UNITED STATES OF AMERICA,) Case No.: CR 07-0732 SI
20 Plaintiffs,)
21 vs.) DEFENDANT'S REPLY
22 BARRY LAMAR BONDS,) MEMORANDUM IN SUPPORT OF
23 Defendants) MOTION IN LIMINE NO. 5: TO
24) PROHIBIT EXPERT OPINION
25) TESTIMONY WHICH WAS NOT
26) DISCLOSED TO THE DEFENSE
27) PURSUANT TO RULE 16(a)(1)(G),
28) Federal Rules of Criminal Procedure
Date: March 1, 2011
Hon: Susan Illston

27 Defendant has moved for an Order that the Government be prohibited from introducing
28 expert testimony not previously disclosed under Rule 16(a)(1)(G), or 16(c).

1 The Government filed a "Response" not an Opposition. In its Response, the Government
2 represents that "it is in full compliance with its discovery obligations." Government Response at
3 page 4, line 8. The Government also represents that it has "clearly and unambiguously informed
4 the defense of the anticipated trial testimony of [Dr. Catlin and Dr. Bowers] ..." Government
5 Response at page 2, lines 6-7.

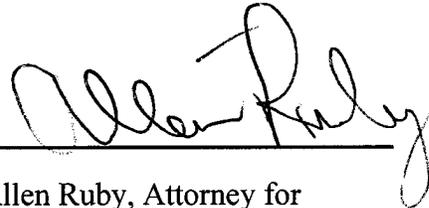
6 Based on these representations, the motion appears to be moot. The Government knows the
7 specific testimony it will seek to elicit from Dr. Catlin and Dr. Bowers at trial, and the Government
8 affirms that it has "clearly and unambiguously" informed the defense of this testimony. It therefore
9 doesn't seem useful to speculate about the sanctions which should be imposed if the Government
10 tries to offer testimony contrary to its representations of compliance with Rule 16.

11 Defendant respectfully suggests that the motion be taken off calendar without prejudice,
12 subject to renewal if circumstances warrant at trial.

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14 DATED: February 24, 2011

Respectfully submitted,

Skadden, Arps, Slate, Meagher & Flom LLP

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18 Allen Ruby, Attorney for
19 Defendant Bonds

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