

IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

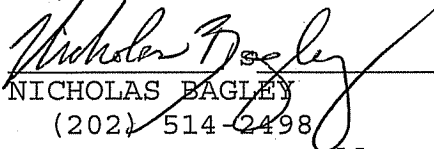
JESSE C. TRENTADUE,)	
)	
Plaintiff-Appellee,)	
)	
v.)	No. 08-4207
)	
FEDERAL BUREAU OF)	
INVESTIGATION; FEDERAL)	
BUREAU OF INVESTIGATION,)	
OKLAHOMA CITY FIELD OFFICE,)	
)	
Defendants-Appellants.)	

MOTION TO SUPPLEMENT THE RECORD

The federal defendants-appellants move to supplement the joint appendix with two discs containing videos (originally submitted as exhibits to docket entries 26 and 82 of the district court docket) and a set of exhibits to the declaration of Terry Nichols (originally submitted as exhibits to docket entry 101). Although plaintiff has not availed himself of Circuit Rule 30.2(a)(1), which permits "[a]n appellee who believes that the appellant's appendix omits items that should be included [to] file a supplemental appendix with the answer brief," plaintiff has objected in his answer brief that these documents were not included in the joint appendix. Out of an abundance of caution, the federal defendants would like to supplement the joint appendix with these exhibits. Because the Nichols' exhibits are under seal at the district court, we are filing this portion of the supplement under seal.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of January, 2009, I caused copies of the foregoing motion to be filed with the Court electronically (including attachments in scanned PDF format) and by Federal Express overnight delivery, and served upon the following counsel electronically and by Federal Express overnight delivery:

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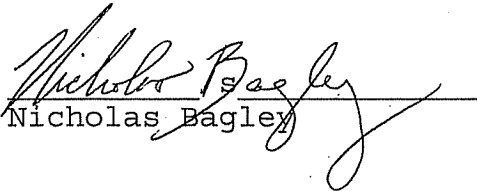
_____/s_____
CARLIE CHRISTENSEN
Trial Counsel for the Federal
Defendants

CERTIFICATE OF DIGITAL SUBMISSION

Pursuant to this Court's General Order 5, filed on October 20, 2004, and amended most recently on January 1, 2006, I hereby certify that:

1. all required privacy redactions have been made and, with the exception of those redactions, every document submitted in Digital Form is an exact copy of the written document filed with the Clerk, and
2. the digital submissions have been scanned for viruses with the most recent version of the following commercial virus scanning program, which indicates that the submissions are free of viruses.

Program: InoculateIT
Version: 6.5
Last Updated: January 27, 2009


Nicholas Bagley