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21 Attorneys for Defendant  
 22 BARRY BONDS

23 UNITED STATES DISTRICT COURT  
 24 NORTHERN DISTRICT OF CALIFORNIA  
 25 SAN FRANCISCO DIVISION

|                              |   |                            |
|------------------------------|---|----------------------------|
| 26 UNITED STATES OF AMERICA, | ) | Case No.: CR 07-0732 SI    |
| 27 Plaintiffs,               | ) | STIPULATION AND [PROPOSED] |
| 28 vs.                       | ) | ORDER FOR PRE-TRIAL        |
| 29 BARRY LAMAR BONDS,        | ) | DETERMINATION OF CERTAIN   |
| 30 Defendants                | ) | EVIDENTIARY ISSUES         |

31 WHEREAS, the parties believe that pre-trial determination of certain evidentiary  
 32 issues will contribute to a just and orderly trial; and

33 WHEREAS, the parties believe that by proceeding cooperatively they can develop a

1 sufficient record for the Court to consider the admissibility of certain evidence; and

2 WHEREAS, the parties have extensively met and conferred to discuss a format and  
3 schedule for presentation of these matters to the Court;

4 NOW, THEREFORE, the parties respectfully submit the following stipulation for the  
5 Court's consideration:

6 1. On or before December 12, 2008, Defendant will advise the Government by  
7 letter whether Defendant will object to the admission at trial of particular evidence in the  
8 following categories:

- 9 a. Laboratory and chemical tests;
- 10 b. Documentary evidence; and
- 11 c. Opinion evidence on the effects of anabolic steroids and human growth  
12 hormone.

13 If Defendant objects to items within these categories, which have been produced in  
14 discovery, Defendant will identify the objectionable item with reasonable particularity, and  
15 provide a brief statement (for example, "hearsay," or "no foundation to connect the evidence  
16 to the Defendant") stating the grounds for objection.

17 2. On or before December 26, 2008, the Government will advise Defendant in  
18 writing of whether or not it intends to offer the challenged items into evidence  
19 notwithstanding Defendant's objection. As to items which the Government intends to offer,  
20 the Government will provide an offer of proof as to how it intends to overcome the  
21 Defendant's objections.

22 3. If the Defendant believes that the Government's offer of proof does not  
23 provide a sufficient basis for admissibility, the Defendant will file a formal motion on or  
24 before January 15, 2009, asking the Court to exclude the evidence from the trial.

25 4. The Government will have 14 days to respond to the Defendant's motion  
26 papers. The parties will ask the Court for a hearing date in early February.

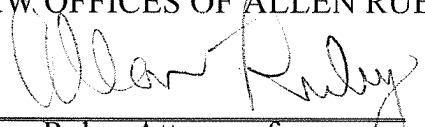
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DATED: December 2, 2008

LAW OFFICES OF ALLEN RUBY

  
Allen Ruby, Attorney for  
Defendant Bonds

DATED: December 2, 2008

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Jeffrey Finigan  
Assistant United States Attorney

So Ordered

DATED: December \_\_\_\_, 2008

  
SUSAN ILLSTON  
United States District Court Judge

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