

**U.S. Department of Justice**

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January 28, 2009

**FILED & HAND DELIVERED TO COURT**

Honorable Susan Illston  
United States District Court Judge  
450 Golden Gate Avenue, 19<sup>th</sup> Floor  
San Francisco, CA 94102

Re: United States v. Barry Bonds  
CR 07-0732 SI

Dear Judge Illston,

We write to inform the Court of the government's intention to publicly file its response to the defendant's motion in limine.

As the Court is aware, the government's response to the defendant's January 15, 2009 motion in limine is due tomorrow, January 29, 2009. The defendant requested an order from the Court authorizing the filing of the exhibits to their motion under seal, and the government opposed that request. The government maintains that there is no factual or legal basis for filing any portion of the defendant's motion or the government's response under seal. The Court has not yet ruled on how the defense exhibits should be filed.

In light of the above, the government respectfully requests a ruling from the Court related to the motion to seal before the government must file its response tomorrow. Without a ruling

from the Court, the government's position is that it is required by law and Department of Justice Guidelines to file its response publicly.

Respectfully submitted,

JOSEPH P. RUSSONIELLO  
United States Attorney

\_\_\_\_\_/s/\_\_\_\_\_  
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cc: Allen Ruby, Esq. (Via facsimile)  
Dennis Riordan, Esq. (Via facsimile)