

EXHIBIT D



U. S. Department of Justice

United States Attorney
Northern District of Illinois

Lisa M. Noller
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September 8, 2005

Via Facsimile

John Grady
Arnstein & Lehr
120 S. Riverside Plaza
Suite 1200
Chicago, Illinois 60606-3913

Andrew Staes
Staes & Scallan P.C.
111 W. Washington Street
Suite 1310
Chicago, Illinois 60602

Re: *United States v. Hosseini, et al.*, Case No. 05 CR 254 (N.D. Ill.)

Dear Mr. Grady and Mr. Staes:

Pursuant to Local Northern District of Illinois Rule 16.1 and Rule 16 of the Federal Rules of Criminal Procedure, I disclose the following:

1. **Statements of the Defendants**

None known.

2. **Results of Examinations, Tests or Experiments**

None known. The government will produce any expert reports and related materials three weeks before trial begins.

3. **Grand Jury Testimony by the Defendants**

None known.

4. **Defendants' Criminal Records**

Copies of the defendants' criminal histories are attached hereto at bates numbers USA03490-03499.

5. **Defendants' Property in Government's Custody**

As the enclosed indices indicate, the government has some of the defendants' property in its possession. These items include, but are not limited to: copies of the defendants' passports, security camera footage from the subject dealerships, and documents and items seized from the subject dealerships and the defendants' homes in March 2005. These items are available for inspection and copying, and are identified on the indices enclosed herein (bates labeled USA03500-03580).

6. **Evidence Favorable to the Defendants**

None known.

In addition, though not required by Rule 16, I also produce to you redacted witness statements, included in documents bates labeled USA01734-03478. If the government intends to call any of these persons as witnesses, it will disclose their contact information to you at that time. In the meantime, if you would like to contact any of the witnesses, please contact me and we can make arrangements.

I also produce to you applications relating to the March 2005 searches (bates labeled USA01284-01733), and grand jury statements and exhibits (bates labeled USA00001-01283).

In return, I am requesting all discovery material to which the government is entitled including but not limited to:

1. The opportunity to inspect and copy anything you may mark as an exhibit at trial;
2. The results of any examination or test that the defendant may raise at trial;
3. Notice of any alibi or similar defense the defendant intends to raise, including the defense of necessity or coercion and any defense asserting the defendant's unavailability on or near the dates named in the indictment; and
4. Notice of any defense that may possibly be raised of a mental defect inconsistent with the state of mind required for the offense charged.

Pursuant to Local Rule 16.1, it is also agreed that at the pretrial conference the parties will confer and attempt to agree on a timetable and procedures for the following:

1. Preserving the written notes of government agents;
2. Identification and notification of evidence the government intends to introduce pursuant to Federal Rule of Evidence 404(b);
3. The filing of a proffer made within the scope of United States v. Santiago, 582 F.2d 1128 (7th Cir. 1978);
4. The filing of materials subject to 18 U.S.C. § 3500; and
5. Any other preliminary matters where such agreement would serve to expedite the orderly trial of the case.

One additional matter for your consideration is the subject of plea negotiations and/or the possibility of cooperation. As you may be aware, the United States Attorney has adopted an office policy against negotiating plea agreements after trial preparation has commenced. Based upon our assessment of the evidence in this case, we will need to begin trial preparation no later than one month before the scheduled trial date. Since all plea agreements require the approval of the United States Attorney, this means that we will be unable to recommend or negotiate the dismissal of counts, the government's sentencing position, or acceptance of responsibility credit under the United States Sentencing Guidelines, among other things, after that time period. As you know, a defendant's timeliness in manifesting an acceptance of responsibility is one of the elements to be considered in determining whether to reduce the adjusted offense level under the United States Sentencing Guidelines. Please note in this regard that once we begin trial preparation the defendants become ineligible for a one-level reduction under Guideline § 3E1.1(b).

Please sign and return a copy of this letter to me. Your signature will stand as your acknowledgment of your continuing obligation to make all disclosures required by Federal Rules of Criminal Procedure 16 and 24, an acknowledgment I make now.

Very truly yours,

PATRICK J. FITZGERALD
United States Attorney

COPY

By:

LISA M. NOLLER
Assistant U.S. Attorney
219 South Dearborn Street
Chicago, Illinois 60604
(312) 353-5314

ACKNOWLEDGED: _____

DATE: _____

Enclosures

cc: AUSA Dan Rubinstein
AUSA Joel Hammerman