

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA	:	
	:	
v.	:	CIVIL NO. CCB-13-1183
	:	
3 KNIFE-SHAPED COINS, ET AL.	:	
	:	
	:	...o0o...

MEMORANDUM and ORDER

Several motions are pending in this case. Oral argument was heard on February 5, 2016. From reviewing the motions and considering the arguments of counsel, I have concluded that the Ancient Coin Collector’s Guild (“the Guild”) seeks discovery not relevant to the issues the court will have to decide in this forfeiture action. In particular, the evidence sought from State Department officials is not so much factual as legal: the Guild apparently will seek to prove that the export of these coins from Cyprus or China to England was lawful under EU law. It is unlikely that the export control status of the coins under foreign law will be a proper defense in this forfeiture action. Even if it is, the Guild has not shown why State Department officials need be deposed in order for the Guild to make its argument.

Further, to the extent the Guild argues that the government must prove “first discovery,” beyond demonstrating that the coins at issue appear on the designated list, that argument is foreclosed by the CPIA and the Fourth Circuit opinion in *Ancient Coin Collectors Guild v. U.S. Customs and Border Protection*, 698 F.3d 171 (4th Cir. 2012). Listing by type and category is proper under the CPIA. While that does not foreclose the Guild from offering evidence to prove that these specific coins were exported from their respective States before CPIA restrictions went into effect, and I am not at this point ruling that expert testimony can have no role in that

