

1 ANDRÉ BIROTTE JR.  
United States Attorney  
2 DENNISE D. WILLETT  
Assistant United States Attorney  
3 Chief, Santa Ana Branch Office  
DOUGLAS F. McCORMICK (180415)  
4 Assistant United States Attorney  
411 West Fourth Street, Suite 8000  
5 Santa Ana, California 92701  
Telephone: (714) 338-3541  
6 Facsimile: (714) 338-3523  
E-mail: doug.mccormick@usdoj.gov  
7

KATHLEEN McGOVERN, Acting Chief  
8 CHARLES G. LA BELLA, Deputy Chief  
JEFFREY A. GOLDBERG, Senior Trial Attorney  
9 ANDREW GENTIN, Trial Attorney  
Fraud Section  
10 Criminal Division, U.S. Department of Justice  
1400 New York Avenue, N.W.  
11 Washington, DC 20005  
Telephone: (202) 353-3551  
12 Facsimile: (202) 514-0152  
E-mail: andrew.gentin@usdoj.gov  
13

Attorneys for Plaintiff  
14 United States of America

15 UNITED STATES DISTRICT COURT  
16 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
17 SOUTHERN DIVISION

18 UNITED STATES OF AMERICA, ) NO. SA CR 09-00077-JVS  
19 Plaintiff, )  
20 v. ) STIPULATION RE: FURTHER BRIEFING  
21 STUART CARSON et al., ) REGARDING JURY INSTRUCTIONS  
22 Defendants. )  
23 \_\_\_\_\_)

24 Plaintiff United States of America, by and through its  
25 attorneys of record, the United States Department of Justice,  
26 Criminal Division, Fraud Section, and the United States Attorney  
27 for the Central District of California (collectively, "the  
28 government"), and defendants Stuart Carson, Hong "Rose" Carson,

1 Paul Cosgrove, and David Edmonds (collectively, "the  
2 Defendants"), by and through their respective counsel of record,  
3 Nicola T. Hanna, Kimberly A. Dunne, Thomas H. Bienert, Jr., and  
4 David W. Wiechert, hereby stipulate as follows:

5 1. At the hearing on September 6, 2011, the government  
6 requested an opportunity to submit further briefing on the  
7 following hypothetical question posed by the Court:

8 THE COURT: Sure. I want to get the business, and I'm  
9 going to pay you \$50,000. I want you to misuse your  
10 position. I may or may not know that you're a  
11 government official. But assume the record establishes  
12 that the person is a foreign official and that the  
13 conduct solicited, whether he knows it or not, is  
14 misuse of an official position. He intended to make  
15 the bribe, and his conduct brought about misuse of an  
16 official position. Must he know that? Must he know  
17 that the individual is in fact a government official?

18 The Court subsequently ordered the government to submit its brief  
19 no later than September 20, 2011, with any defense response to be  
20 filed no later than October 4, 2011.

21 2. Since the hearing, counsel for the government and  
22 counsel for the Defendants have discussed the issue raised by the  
23 Court. Those discussions have yielded what appears to be at  
24 least some consensus that the answer to the question posed by the  
25 Court is "yes." Accordingly, the parties have exchanged proposed  
26 jury instructions to reflect the resolution of this issue. The  
27 parties expect that their discussions will result in a joint  
28 proposed jury instruction on the elements of a substantive  
offense under the FCPA. If those discussions do not result in a  
joint proposed jury instruction, the parties expect that  
additional submissions from the parties will be limited to their  
respective proposed instructions, and any legal argument

1 explaining how their respective instructions in fact differ.

2 3. Accordingly, the government and Defendants request that  
3 the Court enter an order extending the parties' deadline to  
4 submit any further briefing as follows:

5 A. The government's brief shall be filed no later  
6 than September 26, 2011; and

7 B. Defendants' brief shall be filed no later than  
8 October 10, 2011.

9 IT IS SO STIPULATED.

10 ANDRÉ BIROTTE JR.  
11 United States Attorney

12 DENNISE D. WILLETT  
13 Assistant United States Attorney  
14 Chief, Santa Ana Branch Office

15 DOUGLAS F. McCORMICK  
16 Assistant United States Attorney  
17 Deputy Chief, Santa Ana Office

18 KATHLEEN McGOVERN, Acting Chief  
19 ANDREW GENTIN, Trial Attorney  
20 Fraud Section, Criminal Division  
21 United States Department of Justice

22 September 21, 2011 /s/

23 \_\_\_\_\_  
24 DATE DOUGLAS F. McCORMICK  
25 Assistant United States Attorney  
26 Attorneys for Plaintiff  
27 United States of America

28 September 21, 2011 /s/ by DFM with written authorization

\_\_\_\_\_  
DATE NICOLA T. HANNA  
GIBSON DUNN & CRUTCHER LLP  
Attorneys for Defendant  
STUART CARSON

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September 21, 2011

/s/ by DFM with written authorization

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DATE

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KIMBERLY A. DUNNE  
SIDLEY AUSTIN LLP

Attorneys for Defendant  
HONG CARSON

September 21, 2011

/s/ by DFM with written authorization

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DATE

\_\_\_\_\_  
THOMAS H. BIENERT, JR.  
KENNETH M. MILLER

Attorneys for Defendant  
PAUL COSGROVE

September 21, 2011

/s/ by DFM with written authorization

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DATE

\_\_\_\_\_  
DAVID W. WIECHERT

Attorney for Defendant  
DAVID EDMONDS