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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

UNITED STATES OF AMERICA,

10-CR-60066-HO

v.

**NOTICE OF JOINT RECOMMENDATION
CONCERNING *DAUBERT* HEARING**

**STEVEN DWIGHT HAMMOND,
DWIGHT LINCOLN HAMMOND, JR.**

**Hearing Date: February 21, 2012
Trial Date: April 2, 2012**

Defendants.

The United States of America, by and through S. Amanda Marshall, United States Attorney for the District of Oregon, and Frank R. Papagni, Jr. and AnneMarie Sgarlata, Assistant United States Attorneys, and Defendants Steven Dwight Hammond, and Dwight Lincoln Hammond, Jr., by and through their respective attorneys, Lawrence H. Matasar, and Marc D. Blackman, hereby submit to the Court this Notice to advise the Court that, in the interests of time and judicial economy, the parties jointly recommend that the *Daubert* hearing scheduled for February 21, 2012 at 10:30 a.m. proceed with the testimony of the following witnesses:

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- (1) Carrie Bilbao
- (2) Charles Miller
- (3) John Bird
- (4) Gary White
- (5) Ronald Holle
- (6) Jeffrey Rose
- (7) Daniel Gonzalez.

Defendants' position remains that an additional *Daubert* hearing will be necessary to provide them an opportunity to challenge the expert qualifications and proposed opinion testimony of the balance of witnesses listed on the Government's Notice of Expert Witnesses (CR 61). An additional hearing would also provide the government an opportunity to challenge any expert opinion testimony defendants intend to offer at trial. The parties agree that narrowing the number of witnesses to be presented at the February 21, 2012, hearing will allow the parties and the Court to allocate resources accordingly, and will alleviate the need to incur travel expenses or otherwise inconvenience nineteen

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additional proposed witnesses who, due to time constraints, may not have an opportunity to testify at the February 21, 2012 hearing, regardless.

Respectfully submitted this 17th day of February 2012.

S. AMANDA MARSHALL
United States Attorney

/s/ Marc D. Blackman
MARC BLACKMAN
Attorney for Dwight Lincoln Hammond, Jr.

/s/ Frank R. Papagni, Jr.
FRANK R. PAPAGNI, JR.
Assistant United States Attorney

/s/ Lawrence H. Matasar
LAWRENCE H. MATASAR
Attorney for Steven Dwight Hammond

/s/ AnneMarie Sgarlata
ANNEMARIE SGARLATA
Assistant United States Attorney