

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 v.)
) Criminal No. 99-203
)
 JOHN GARDNER BLACK,)
 Defendant)

US. DISTRICT COURT
CLERK

SEP 20 11 41

FILED

RESPONSE IN OPPOSITION TO EMERGENCY MOTION TO COMPEL

The United States of America, by Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, Robert S. Cessar, First Assistant United States Attorney, and Paul J. Brysh, Assistant United States Attorney, responds as follows to the allegations of Defendant Black's Emergency Motion to Compel:

1. Admitted in part. The Government alleged that the defendant misrepresented the value of the assets underlying the Collateralized Investment Agreements (CIAs), in collateral reports given to clients. The CIAs themselves were not susceptible to independent evaluation.

2. Admitted.

3. Admitted.

4. Denied. Defendant Black is merely speculating as to the contents of the "Summary and Analysis of Recoveries to School Districts and Other Governmental Units."

5. The Government has no knowledge of the proceedings or issues in the case of Daniel Boone School District v. Barbacane

Thorton, Inc., No. 99-1946, in the Court of Common Pleas of Berks County.

NEW MATTER

6. The market value of the Collateralized Investment Agreements is irrelevant to any issues remaining in this criminal case with respect to the payment, but not the amount, of restitution owed.

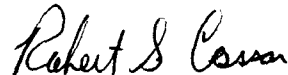
7. It would be improper to allow Defendant Black to utilize discovery in this criminal case for use in a state civil case.

8. In any event, Black is not a party to the state civil case.

WHEREFORE, the Emergency Motion to Compel should be denied.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney



ROBERT S. CESSAR
First Assistant U.S. Attorney
PA Id. No. 47736



PAUL J. BRYSH
Assistant U.S. Attorney
PA Id. No. 19687