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9  
10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
12 **SOUTHERN DIVISION**

13 UNITED STATES OF AMERICA,

14  
15 Plaintiff,

16 v.

17 STUART CARSON, et al.,

18  
19 Defendants.

Case No. SA CR 09-00077-JVS

**DEFENDANTS' REPLY TO  
GOVERNMENT'S OPPOSITION TO  
DEFENDANTS' MOTION TO  
SUPPRESS DEFENDANTS'  
STATEMENTS; MEMORANDUM OF  
POINTS AND AUTHORITIES IN  
SUPPORT THEREOF**

Hearing Date: May 14, 2012  
Hearing Time: 9:00 a.m.  
Courtroom: 10C (Hon. James V. Selna)  
Trial Date: June 5, 2012

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1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 Defendants David Edmonds and Paul Cosgrove (collectively "Defendants")<sup>1</sup>  
3 hereby Reply to the Government's Opposition to Defendants' Motion to Suppress  
4 Defendants' Statements. This Reply is based on the attached Memorandum of Points  
5 and Authorities, the files and records of this case and on such other and further  
6 argument and evidence as may be presented to the Court at the hearing of this matter.

7 Dated: April 30, 2012

Respectfully submitted:

8  
9 LAW OFFICES OF DAVID W. WIECHERT

10  
11 By: s/David W. Wiechert

12 David W. Wiechert

13 Attorneys for Defendant DAVID EDMONDS

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15 BIENERT, MILLER & KATZMAN, PLC

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17 By: s/Kenneth M. Miller

18 Kenneth M. Miller

19 Attorneys for Defendant PAUL COSGROVE  
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27 <sup>1</sup> Defendant Hong Carson who joined in the opening papers in support of Defendants'  
28 Motion to Suppress Defendants' Statements entered into a disposition on April 16,  
2012 and no longer joins in this motion.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Defendants David Edmonds (“Edmonds”) and Paul Cosgrove (“Cosgrove”)  
4 (collectively “Defendants”) filed their suppression motion on March 5, 2012. On  
5 April 2, 2012, the prosecution filed its suppression motion opposition (“Government’s  
6 Opposition”). The most notable aspect of the Government’s Opposition is not what is  
7 contained therein, but what is not. The government has not presented evidence from  
8 any witness with percipient knowledge of the interaction between the highest levels of  
9 Defendants’ employer’s counsel, Steptoe & Johnson LLP (“Steptoe”), and the highest  
10 levels of the Department of Justice (“DOJ”) in August 2007. Indeed the only  
11 declaration cited on the key issue of CCI’s and DOJ’s intentions when Defendants  
12 were interviewed is that of Brian Heberlig, a witness who does not appear to have  
13 been a party to critical Steptoe-DOJ communications around the time of the  
14 statements Defendants seek to suppress. The silence of key players leaves the Court  
15 with uncontroverted facts demonstrating: 1) Steptoe was a state actor when its lawyers  
16 interviewed Defendants, 2) Defendants answered questions with a reasonable fear of  
17 negative employment action if they did not, and 3) Steptoe did not properly warn  
18 Defendants of their Fifth Amendment rights. These facts mandate suppression of  
19 Defendants’ statements and a *Kastigar*<sup>2</sup> hearing. At a minimum, the Court should  
20 allow Defendants to subpoena percipient witnesses to an evidentiary hearing.

21 **II. ARGUMENT**

22 **A. The Agency Test Should Apply and CCI Was the Government’s**  
23 **Agent When It Compelled Defendants’ Statements**

24 **1. The Agency Test Applies in the Fifth Amendment Context**

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27 <sup>2</sup> *Kastigar v. United States*, 406 U.S. 441 (1971).

1 Federal courts have applied two distinct standards in order to find state action: the  
2 “agency” test and the “close nexus” test. Under the first test, state action exists if an  
3 entity or an individual is acting as a government agent. *See United States v. Reed*, 15  
4 F.3d 928, 931 (9th Cir. 1994). This test has two requirements: (1) intent to assist law  
5 enforcement efforts, and (2) government knowledge and acquiescence to the intrusive  
6 conduct. *United States v. Walther*, 652 F.2d 788, 792 (9th Cir. 1981). Determining  
7 whether an agency relationship exists is “a question that can only be resolved ‘in light  
8 of all the circumstances,’” *Skinner v. Railway Labor Executives’ Ass’n*, 489 U.S. 602,  
9 614-15 (1989) (quoting *Coolidge v. New Hampshire*, 403 U.S. 443, 487 (1971)), and  
10 “on a case-by-case basis.” *Walther*, 652 F.2d at 791.

11 The agency test is often applied in the Fourth Amendment context, where the  
12 government acquiesces or encourages a private party to act on its behalf in conducting  
13 a search. *See Walther*, 652 F.2d at 792 (airline employee who had reported suspicious  
14 packages to the DEA for a reward was a state agent when he searched a package due  
15 to government previously encouraging this type of search and rewarding him for  
16 providing information). [“R]egardless of whether the Fourth or Fifth Amendment is  
17 at issue, [courts] apply the same test to determine whether a private individual acted as  
18 a Government agent.” *United States v. Day*, 591 F.3d 679, 683 (4th Cir. 2010).

19 The government contends that the “agency” test should not apply, but rather  
20 only the “close nexus” test determines whether CCI was a state actor. It cites two  
21 Ninth Circuit cases to show the “close nexus” test applies in non-Fourth Amendment  
22 contexts. However, neither case involves criminal constitutional protections. *See*  
23 *Sutton v. Providence St. Joseph Med. Ctr.*, 192 F.3d 826 (9th Cir. 1999) (applying a  
24 “nexus” type test where plaintiff sued a private hospital under the Religious Freedom  
25 Rights Act for refusing to hire him for failure to provide a social security number as  
26 required by federal law); *Carlin Communications, Inc. v. Mountain States Tel. & Tel.*

1 Co., 827 F.2d 1291 (9th Cir. 1987) (applying the “close nexus” test where plaintiff  
2 sued telephone company under §1983 for deprivation of rights).

3 Although the Ninth Circuit has not determined what state action test controls in  
4 the Fifth Amendment context, application of the agency test to the Fifth Amendment  
5 makes sense. Like the Fourth Amendment, which protects against unreasonable  
6 searches and seizures and the use of illegally gathered evidence in a criminal  
7 proceeding, the Fifth Amendment privilege against self-incrimination protects against  
8 the use of illegally gathered compelled statements in criminal proceedings.

9 In *United States ex rel. Sanney v. Montanye*, the Second Circuit applied the  
10 agency test in the Fifth Amendment context. The court found that a private employer,  
11 who conducted a polygraph examination of a murder suspect and carried a concealed  
12 transmitter so the investigators could hear and record the conversation, was an agent  
13 of the government. 500 F.2d 411, 413, 415 (2d Cir. 1974). The court reasoned:

14 The *controlling factor is not the public or private status of the person*  
15 *from whom the information is sought but the fact that the threat in the*  
16 *present case was conveyed through a private employer, admittedly*  
17 *acting as an agent for the police, rather than through a person on the*  
18 *public payroll. The state’s involvement is no less real for having been*  
19 *indirect and no less impermissible for having been concealed.*

20 *Id.* at 415 (emphasis added).

## 21 **2. There was an Agency Relationship**

22 The government seeks to avoid the Ninth Circuit’s agency test here because the  
23 evidence strongly supports the conclusion that CCI/Steptoe intended to assist in the  
24 government’s investigative efforts with the government’s active encouragement. The  
25 undisputed facts are compelling.

26 In 2002, DOJ created the Corporate Fraud Task Force and in turn published the  
27 Thompson, McNulty, and Filip Memoranda, which provide incentives for government  
28

1 assistance. The Memoranda encourage early and unfettered cooperation by  
2 corporations. In March of 2006 and 2007, Steptoe partner, Patrick Norton (“Norton”)  
3 and the Chief Deputy of the Fraud Section of DOJ, Mark Mendelsohn  
4 (“Mendelsohn”) were panel speakers at the National FCPA conference.<sup>3</sup> At the 2007  
5 FCPA conference, Steptoe attorneys expressed their awareness of the benefits of  
6 timely voluntary disclosures to DOJ.<sup>4</sup> In mid-2007, IMI engaged Steptoe to conduct  
7 an internal investigation authorizing prompt voluntary disclosure and full cooperation  
8 with law enforcement.<sup>5</sup> On August 15, 2007, IMI made a voluntary disclosure to DOJ  
9 and United Kingdom Serious Fraud Office.<sup>6</sup> Pursuant to this disclosure, Norton  
10 contacted Mendelsohn. Steptoe already had made a preliminary determination that  
11 Defendants and other CCI senior management were involved in wrongdoing and in  
12 the August 15 email to Mendelsohn, Norton discloses the “game plan” – he will  
13 question Defendants before they retain counsel in order to obtain statements for DOJ.  
14 Steptoe admits that it viewed the questioning of Defendants as an “interrogation.”<sup>7</sup> In  
15 the August 15 email, Norton writes:

16 \_\_\_\_\_  
17 <sup>3</sup> 15<sup>th</sup> National Conference on the FCPA (March 28-29, 2006), *available at*  
18 <http://americanconference.com/2006/830/foreign-corrupt-practices-act/agenda>; 17<sup>th</sup>  
19 National Conference FCPA (March 27-28, 2007), *available at* <http://www.millerchevalier.com/portalresource/lookup/poid/Z1tO19NPluKPtDNIqLMRVPMQiLsSw4JCqG3!/document.name=/FCPA%20Conference%20Brochure%202007.pdf>.  
20 <sup>4</sup> Lucinda A. Lowe et al., *The Uncertain Calculus of FCPA Voluntary Disclosures*,  
21 (March 2007), *available at* <http://apps.americanbar.org/intlaw/spring07/World%20Bank%20Anticorruption%20Programs/Low%20%20The%20Uncertain%20Calculus%20of%20FCPA%20Voluntary%20Disclosures.pdf>.  
22 <sup>5</sup> *United States v. Control Components, Inc.*, SA CR 09-00162, Memorandum on  
23 Behalf of Control Components, Inc. In Support of Rule 11(c)(1)(C) Plea and Agreed-  
24 Upon Sentence (hereinafter referred to as “CCI Sentencing Memorandum”) at 3, 5  
25 (Doc. No. 11).  
26 <sup>6</sup> *Id.*  
27 <sup>7</sup> See Reporter’s Transcript of Proceedings (“Rep. Tr.”), April 26, 2010 at 111, lns. 7-  
28 14.

1           ***We fully recognize your and our interest in getting access to senior***  
2           ***management*** who may have been involved in the payments in questions  
3           [sic] while [they] may still be willing to cooperate. ... We intend to  
4           inform them that ... the ***company expects them to cooperate with the***  
5           ***investigation***. Then I proceed to interview them.<sup>8</sup>

6           On August 16 and 17, Steptoe interrogated Defendants. Norton conferred with  
7           DOJ after each day of the interrogations.<sup>9</sup> On August 21, Steptoe attorneys debriefed  
8           DOJ on the substance of the interrogations via a conference call.<sup>10</sup> Mendelsohn took  
9           four pages of type-written notes from that meeting that to date Defendants have not  
10          received. Steptoe provided this information to DOJ without a grand jury subpoena  
11          and, in fact, never received a subpoena. On August 24, 2007, Steptoe provided  
12          additional materials to DOJ and it appears Steptoe and DOJ had a meeting on  
13          September 12, 2007.<sup>11</sup> The government recently disclosed to the defense another  
14          communication it had with Steptoe on October 15, 2007. On that date, DOJ attorney  
15          Andrew Gentin left a voicemail message for Steptoe attorney Brian Heberlig  
16          informing Heberlig that he would hold off on producing to former CCI manager Scott  
17          Tredo's counsel documents shown to Tredo during his interrogations on August 16  
18          and 17, 2007.<sup>12</sup> This is yet another example showing DOJ and Steptoe collaborating  
19          with respect to interviews.

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22          <sup>8</sup> Exhibit A at 2 (emphasis added) to Munk Dec. attached to Defendants'  
23          Motion to Suppress Defendants' Statements (hereinafter referred to as "Motion  
24          to Suppress") (Doc. No. 573).

25          <sup>9</sup> *Id.* at 2-3.

26          <sup>10</sup> See Exhibits B and C. While Defendants received the email correspondence  
27          between Steptoe and DOJ regarding the August 21, 2007 debrief, Defendants still  
28          have not received the substance of the information disclosed.

29          <sup>11</sup> See Exhibit D.

30          <sup>12</sup> See Exhibit E.

1 It is clear that the government had many communications with Steptoe  
2 attorneys – most of which occurred by telephone. Although Defendants do not know  
3 the substance of many of the communications DOJ had with Steptoe (which could be  
4 substantiated through testimony of Mark Mendelsohn or Patrick Norton), the  
5 communications disclosed show Steptoe was a government agent when it interrogated  
6 Defendants.

7 Like the private employer in *Sanney v. Montanye*, Norton and the other Steptoe  
8 attorneys conducted the interrogations of Edmonds and Cosgrove in order to assist  
9 DOJ. The fact that Steptoe compelled the statements from Defendants instead of DOJ  
10 is of no consequence. Similar to the airline employee in *Walther* who conducted the  
11 search to receive a reward from the DEA, Norton elicited statements from Defendants  
12 and conducted its investigation in order to derive significant benefits for CCI and IMI  
13 from DOJ.<sup>13</sup> Norton's interactions with Mendelsohn, in conjunction with the fact that  
14 CCI provided DOJ with a large volume of documents on a rolling basis; facilitated  
15 interviews of its employees by the government and provided real time summaries of  
16 interviews and an extensive factual summary of alleged improper payments, gifts,  
17 travel and entertainment expenses;<sup>14</sup> in combination leave no question CCI intended to  
18 assist law enforcement efforts.

19 Moreover, DOJ acquiesced to Steptoe's conduct. Not only were Mendelsohn  
20 and DOJ working on a "game plan" in "getting access to senior management", but the  
21 August 15 email suggests DOJ was encouraging IMI to keep quiet so Defendants  
22 would submit to interviews before they retained counsel. Steptoe and DOJ  
23

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25 <sup>13</sup> The biggest benefit by far was that IMI was able to escape liability altogether and  
26 CCI received a substantially reduced penalty.

27 <sup>14</sup> *United States v. Control Components, Inc.*, SA CR 09-00162, Government's  
28 Sentencing Memorandum at 7 (Doc. No. 8); CCI Sentencing Memorandum at 1, 5-6.

1 collaborated – before, during, and after the interrogations. The government has not  
2 provided any evidence to rebut the obvious fact that CCI was working with the  
3 government when Steptoe interrogated Defendants. DOJ was aware of Norton’s plan  
4 to compel Defendants’ statements, acquiesced, and via the McNulty Memorandum,  
5 encouraged it. Thus, CCI was an agent of the government when Steptoe questioned  
6 Defendants.

7  
8 **B. Under the Close Nexus Test, CCI’s Conduct in Compelling the  
9 Defendants’ Statements is Fairly Attributable to the Government**

10 Under the close nexus test, when there is “a sufficiently close nexus between  
11 the State and the challenged action of the regulated entity so that the action of the  
12 latter may be fairly treated as that of the State itself”, the private entity’s actions are  
13 “fairly attributable” to the government and constitute state action. *Blum v. Yaretsky*,  
14 457 U.S. 991, 1004 (1982) (quoting *Jackson v. Metropolitan Edison Co.*, 419 U.S.  
15 345, 351 (1974)). The “close nexus” test is satisfied when the State has *either*: (1)  
16 “exercised coercive power over a private decision *or* [(2)] has provided such  
17 *significant encouragement, either overt or covert, that the choice by the private*  
18 *actor must in law be deemed to be that of the State[.]” United States v. Stein*, 440 F.  
19 Supp. 2d 315, 334 (S.D.N.Y. 2006) (*Stein II*) (emphasis added).

20 Contrary to the government’s assertions, the emails from August 15 to 17, 2007  
21 show a close nexus between Steptoe and DOJ. Not only do the emails show that the  
22 DOJ was encouraging IMI to hold off on its public announcement, but they also show  
23 Steptoe and DOJ’s aligned interests. Before the interrogations Norton told  
24 Mendelsohn: “[w]e fully recognize your and our interest in getting access to senior  
25 management who may have been involved ....”<sup>15</sup> The government attempts to  
26 minimize Norton’s comment regarding their combined interests in “getting access to

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28 <sup>15</sup> Exhibit A at 2 to Munk Dec. attached to Motion to Suppress.

1 senior management.” However, this statement is crucial in showing the extent of the  
2 relationship between Steptoe and DOJ in August 2007. In the email, Norton  
3 acknowledged that he is aware that DOJ wants him to elicit statements from the  
4 “senior management who may have been involved.” Norton did not need specific  
5 direction from Mendelsohn or anyone at DOJ to determine which employees to  
6 interview. Norton knew what DOJ wanted – “relevant evidence and [the identity of]  
7 the culprits within the corporation, including senior executives”<sup>16</sup> – and cooperated in  
8 exchange for favorable treatment for his clients CCI and IMI. This incentive caused  
9 CCI to threaten Defendants with termination if they did not cooperate and answer  
10 questions about alleged improper payments.

11 Immediately after the first set of “interrogations,” Norton reported back to  
12 Mendelsohn to inform him “[w]e interviewed five of the senior management at CCI  
13 today in very general terms. So far they are being cooperative. We intend to ask  
14 more difficult questions tomorrow based on specific documents.”<sup>17</sup> The only  
15 reasonable explanation of this email is that Norton is keeping Mendelsohn apprised  
16 because he is obtaining Defendants’ statements for DOJ.

17 The government attempts to distinguish *Stein II* by arguing that (a) the  
18 statements in that case were made to the government directly so it was easier for the  
19 court to find state action, and (b) there is no evidence here that the government  
20 “deliberately coerced” or “significantly encouraged” anything. Government’s  
21 Opposition at 16. These arguments are unpersuasive. First, the Fifth Amendment  
22 applies not only to the government, but to a state actor or an agent of the government.  
23 When Defendants’ statements were compelled, Norton was an agent of the  
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26 <sup>16</sup> McNulty Memorandum § VII, ¶ A, attached to Government’s Opposition as Exhibit  
27 A.

28 <sup>17</sup> Exhibit A at 2 to Munk Dec. attached to Motion to Suppress.

1 government and thus, a state actor. It is of no consequence that the statements were  
2 not made to DOJ directly. Second, there is evidence that the government  
3 “significantly encouraged” CCI to obtain statements from Defendants. Similar to  
4 *Stein II*, where the Thompson Memorandum encouraged a company to make its  
5 employees disclose whatever they knew, regardless of their employees’ individual  
6 rights, the McNulty Memorandum required CCI to identify culprits within the  
7 corporation, including senior executives and disclose relevant evidence in order to  
8 receive favorable treatment. While the government in *Stein II* “deliberately coerced”  
9 KPMG to pressure its employees to cooperate with the government, here, DOJ  
10 “significantly encouraged” Steptoe to obtain statements from senior management as  
11 illustrated by the August 15 to 17, 2007 emails and the McNulty Memorandum.

12 *United States v. Ferguson* is distinguishable. There, the district court held that  
13 defendant’s employer, General Reinsurance Corporation (“Gen Re”), was not a state  
14 actor. 2007 WL 4240782, at \*6 (D. Conn. 2007). Although Gen Re encouraged its  
15 employees to cooperate and assist in the government’s investigation, the court found  
16 Gen Re never conditioned the payment of legal fees on cooperation with the  
17 government. *Id.* at \*3, 5. Rather, Gen Re sent a letter to the defendant pursuant to its  
18 existing by-laws informing him that non-cooperation may result in reassessment of the  
19 factors governing whether it is obligated to indemnify him for legal expenses. *Id.* at  
20 \*5. The court further found that although Gen Re made efforts to assist in the  
21 government’s investigation to avoid prosecution, the defendant failed to show any  
22 additional conduct the government exerted over Gen Re to gain cooperation. *Id.*

23 Unlike *Ferguson*, the DOJ encouraged Steptoe to obtain statements from CCI’s  
24 senior management, not only through the McNulty Memorandum, but through direct  
25 communications between Norton and Mendelsohn. The government significantly  
26 encouraged “getting access to senior management” and Steptoe kept the government  
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1 informed throughout. Thus, Steptoe's actions are fairly attributable to the  
2 government.

3  
4 **C. CCI Threatened to Fire Defendants if They Did Not Submit to**  
5 **Interviews and Accordingly Compelled Their Statements in**  
6 **Violation of the Fifth Amendment**

7 Economic coercion need not be explicit. CCI President Whiting repeatedly told  
8 Defendants that they were required to meet with Steptoe and cooperate with the  
9 investigation and such implicit threats of a penalty are equally compelled under the  
10 Fifth Amendment. *See Minnesota v. Murphy*, 465 U.S. 420, 435 (1984). As at-will  
11 employees, it was objectively reasonable for Defendants to believe they would be  
12 terminated if they disobeyed a direct order from the President and refused to answer  
13 the investigators' questions because at-will employees can be terminated for any  
14 reason and the refusal of corporate executives to cooperate with an internal  
15 investigation is certainly ample reason.

16 The government argues that the letter Whiting gave Defendants when they were  
17 suspended shows that CCI did not "overtly threaten" Defendants' employment. *See*  
18 *Government's Opposition* at 21-22 (citing Exhibit C1).<sup>18</sup> The suspension letters do  
19 not prove a lack of coercion. The letters provided suspension, with pay, during the  
20 investigation process and corroborates CCI's previous threats. The letters provide:

21 *As someone involved in the Severe Service business, the Company*  
22 *expects you to cooperate fully* [with the investigation]. Arrangements  
23 have been made for you to meet with the investigators. When you do so,  
24 please *answer all their questions and furnish all information they*

25  
26 <sup>18</sup> Defendants Edmonds and Cosgrove received identical suspension letters at the end  
27 of their interrogations on August 17, 2007. *See Exhibits C1 and C2* attached to  
28 *Government's Opposition*.



1 have counsel present when they were interrogated; and did not sign statements  
2 that their interviews were voluntary. Unlike *Ferguson*, based on the totality of  
3 the circumstances it was objectively reasonable for Defendants to believe they  
4 would be terminated if they disobeyed a direct order from CCI's President; and  
5 they subjectively believed they would be terminated if they refused to answer  
6 the attorneys' questions. Thus, Defendants statements were compelled from an  
7 implicit threat of termination and must be suppressed.

8 **III. CONCLUSION**

9 For the foregoing reasons, the Court should grant Defendants' Motion to  
10 Suppress. In the alternative, the Court should allow Defendants to subpoena  
11 percipient witnesses to an evidentiary hearing and hold a *Kastigar* hearing.

12 Dated: April 30, 2012

Respectfully submitted:

14 LAW OFFICES OF DAVID W. WIECHERT

16 By: s/David W. Wiechert

18 Attorneys for Defendant DAVID EDMONDS

19 BIENERT, MILLER & KATZMAN, PLC

21 By: s/Kenneth M. Miller

23 Attorneys for Defendant PAUL COSGROVE

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**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF ORANGE

I, Danielle Dragotta, am employed in the county of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 115 Avenida Miramar, San Clemente, CA 92672.

On April 30, 2012, I served the foregoing document described as **DEFENDANTS' REPLY TO GOVERNMENT'S OPPOSITION TO DEFENDANTS' MOTION TO SUPPRESS DEFENDANTS' STATEMENTS; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF** on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope(s) addressed and sent as follows:

**BY MAIL:** I caused such envelope(s) to be deposited in the mail at San Clemente, California with postage thereon fully prepaid to the office of the addressee(s) as indicated on the attached service list. I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

**BY E-MAIL:** I caused a copy to be transmitted electronically by filing the foregoing with the clerk of the District Court using its ECF system, which electronically notifies counsel for that party.

**BY PERSONAL SERVICE:** I caused such envelope to be hand-delivered to the offices of the addressee(s) as indicated on the attached service list.

**FEDERAL:** I declare that I am employed in the office of a member of the bar of this court at whose direction service was made.

Executed on April 30, 2012 at San Clemente, California.

*Danielle Dragotta*  
\_\_\_\_\_  
Danielle Dragotta