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 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION
 14

15 UNITED STATES OF AMERICA,)	No. 07-00373 RMW
16 Plaintiff,)	GOVERNMENT’S WITNESS LIST
17 v.)	Trial Date: January 19, 2011
18 NED ROSCOE, and)	
19 JOHN ROSCOE,)	
20 Defendants.)	

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 22 The United States hereby identifies the following individuals as its witnesses at trial for its case-
 23 in-chief. The United States reserves its right to amend this list either by not calling witnesses on
 24 this list or by including additional witnesses to this list at a later date. The United States further
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1 reserves its right to call witnesses to testify who are not on this list for the purpose of rebuttal or
2 impeachment.¹

3 1. **Steven Bailey**, Owner, Custodian of Records, Bailey Tobacco. Mr. Bailey is expected to
4 testify regarding the authentication of documents and Bailey Tobacco's sale of tobacco
5 products to Cigarettes Cheaper!, including the invoicing and shipment thereof, and
6 contact with the Roscoes.

7 2. **Mark Baldwin**, former President of Cigarettes Cheaper! Mr. Baldwin is expected to
8 testify regarding Cigarettes Cheaper!, including its corporate structure and operations,
9 financials, accounting practices, inventory, borrowing base reports of inventory and
10 certificates ("BBCs"), and its loan with Comerica Bank, including meetings with
11 Comerica officials.

12 3. **Susan Bell**, Assistant Vice-President, Western Market, Financial Intelligence
13 Department, Comerica Bank. Ms. Bell is expected testify regarding the authentication of
14 documents, filing of a SAR, and Comerica Bank's response regarding Cigarettes
15 Cheaper! false BBCs.

16 4. **David Ballot**, former Assistant Controller, Cigarettes Cheaper! Mr. Ballot is expected to
17 testify regarding Cigarettes Cheaper!, including its corporate structure and operations,
18 financials, accounting practices, inventory, BBCs, and its loan with Comerica Bank.

19 5. **Michael Carvalho**, former employee, Cigarettes Cheaper! Mr. Carvalho is expected to
20 testify regarding Cigarettes Cheaper!, including its corporate structure and operations, IT
21 systems, and financials.

22 6. **Steve Cramer, Esq.**, Partner, Fitzgerald, Abbott. Mr. Cramer is expected to testify
23 regarding meetings regarding his representation of Cigarettes Cheaper!, including
24 meetings attended and Cigarettes Cheaper!'s financial condition.

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27 ¹ The defendants should not rely upon the Government's list of witnesses or subpoenaing
28 thereof for the purpose of any witness it intends to have testify at trial. Rather, the defendants
should subpoena any witness it intends to call.

- 1 7. **Melanie Dovano**, First Vice-President-Western Markets, Special Assets Group,
2 Comerica Bank. Ms. Dovano is expected to testify individually, as the custodian of
3 records, and the person most knowledgeable for Comerica. Ms. Dovano is expected to
4 testify regarding the authentication of documents, Comerica Bank's status as an FDIC
5 insured bank, filing of a SAR, practices and processes regarding loans, and Comerica
6 Bank's loan to Cigarettes Cheaper!, including loan modifications, BBCs, guarantees,
7 collateral, representations made to Comerica and meetings with Cigarettes Cheaper!
8 officials.
- 9 8. **Ned Famularcano**, former auditor, Comerica Bank. Mr. Famularcano is expected to
10 testify regarding the authentication of documents and his audit of Cigarettes Cheaper!.
- 11 9. **Robert Gunderson**, Special Agent, FBI. Mr. Gunderson is expected to testify regarding
12 his investigation of this matter, including declarations and his interviews of the
13 defendants.
- 14 10. **Stephen Grazinni**, former Controller of Cigarettes Cheaper! Mr. Grazinni is expected to
15 testify as to Cigarettes Cheaper!, including its including its corporate structure and
16 operations, financials, accounting practices, inventory, BBCs, and its loan with Comerica
17 Bank.
- 18 11. **Mark Hillhouse**, Vice President-Western Market, Alternative Group Manager, East Bay
19 Corporate Banking, Comerica Bank. Mr. Hillhouse is expected to testify concerning
20 Comerica Bank's loan to Cigarettes Cheaper! and contact with the Roscoes.
- 21 12. **Jim Kent**, Executive Vice-President of Administration, McLane Company, Inc. Mr.
22 Kent is expected to testify as McLane's custodian of records and regarding McLane's
23 suppling of cigarettes to Cigarettes Cheaper!, including meetings with Cigarettes
24 Cheaper! officials, outstanding debt, guarantees, collateral, financials, and contact with
25 the Roscoes.
- 26 13. **Kevin Koch**, Executive Vice-President of Administration, McLane Company, Inc. Mr.
27 Koch is expected to testify regarding McLane's suppling of cigarettes to Cigarettes
28 Cheaper!, including meetings with Cigarettes Cheaper! officials, outstanding debt,

1 guarantees, collateral, financials, and contact with the Roscoes.

2 14. **Gus Landeros**, Comerica Bank. Mr. Landeros is expected to authenticate documents
3 and to testify as to Comerica's loan with Cigarettes Cheaper!.

4 15. **Robert Mazur**, former acting Chief Financial Officer of Cigarettes Cheaper! Mr. Mazur
5 is expected to testify regarding Cigarettes Cheaper!, including its corporate structure and
6 operations, financials, accounting practices, inventory, BBCs, and its loan with Comerica
7 Bank, including meetings with Comerica officials.

8 16. **Grady Rosier**, CEO, McLane Company, Inc. Mr. Rosier is expected to testify regarding
9 McLane's suppling of cigarettes to Cigarettes Cheaper!, including meetings with
10 Cigarettes Cheaper! officials, outstanding debt, guarantees, collateral, financials, and
11 contact with the Roscoes.

12 17. **Linh Sparks**, former employee, Cigarettes Cheaper! Ms. Sparks is expected to testify
13 regarding Cigarettes Cheaper!, including its corporate structure and operations, financials,
14 accounting practices, inventory, BBCs, and its loan with Comerica Bank.

15 18. **Al Williams**, former Executive Vice-President-Northern California Credit
16 Administration Division, Comerica Bank. Mr. Williams is expected to testify regarding
17 practices and processes regarding loans and Comerica Bank's loan to Cigarettes
18 Cheaper!, including meetings with Cigarettes Cheaper! officials.

19 19. **Thomas A. Willoughby, Esq.** Partner, Feldstein, Fitzgerald, Willoughby & Pascuzzi,
20 LLP. Mr. Willoughby is expected to testify regarding meetings regarding his
21 representation of Cigarettes Cheaper!, including meetings attended and Cigarettes
22 Cheaper!'s financial condition.

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1 20. **Bill Wyatt, Esq.** Partner, Sheppard Mullin. Mr. Wyatt is expected to testify regarding
2 the Comerica Bank's loan to Cigarettes Cheaper!, including a meeting between Comerica
3 Bank and Cigarettes Cheaper! officials.
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6 DATED: January 18, 2011

Respectfully submitted,
MELINDA HAAG
United States Attorney

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EUMI CHOI
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Assistant United States Attorney
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