

United States Department of Justice



FACSIMILE TRANSMISSION COVER SHEET

TO: *Steve Gordon*

DATE: *15 October 2004*

FAX: *603-225-5112*

PHONE:

FROM: *John Lynch on Behalf of Todd Hinnen*
Computer Crime and Intellectual Property Section
Criminal Division
Department of Justice
Washington, D.C. 20530

FAX: (202) 514-6113

VOICE: *202-305-8732*

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): *5*

NOTES/COMMENTS:

Attached please find motion to accompany Memo of Law faxed earlier.

US 00084

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Confirmation Report - Memory Send

Page : 001
Date & Time: Oct-15-04 12:13pm
Line 1 :
Line 2 :
Machine ID :

Job number : 260
Date : Oct-15 12:12pm
To : 916032255112
Number of pages : 005
Start time : Oct-15 12:12pm
End time : Oct-15 12:13pm
Pages sent : 005
Status : OK

Job number : 260 *** SEND SUCCESSFUL ***

United States Department of Justice



FACSIMILE TRANSMISSION COVER SHEET

TO: Steve Gordon

DATE: 15 October 2004

FAX: 603-225-5112

PHONE:

FROM: John Lynch on Behalf of Todd Hirvan
Computer Crime and Intellectual Property Section
Criminal Division
Department of Justice
Washington, D.C. 20530

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VOICE: 202-305-8732

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United States Department of Justice



FACSIMILE TRANSMISSION COVER SHEET

TO: *Orvide LaMontagne*

DATE: *15 October 2001*

FAX: *603-695-8610*

PHONE:

FROM: *John Lynch on Behalf of Todd Hinnen*
Computer Crime and Intellectual Property Section
Criminal Division
Department of Justice
Washington, D.C. 20530

FAX: (202) 514-6113

VOICE: *202-305-8732*

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): *5*

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Confirmation Report - Memory Send

Page : 001
Date & Time: Oct-15-04 12:16pm
Line 1 :
Line 2 :
Machine ID :

Job number : 262
Date : Oct-15 12:14pm
To : 916036958610
Number of pages : 005
Start time : Oct-15 12:15pm
End time : Oct-15 12:16pm
Pages sent : 005
Status : OK

Job number : 262 *** SEND SUCCESSFUL ***

United States Department of Justice



FACSIMILE TRANSMISSION COVER SHEET

TO: *Ovide LaMontagne* DATE: *15 October 2004*

FAX: *603-695-8610* PHONE: *****

FROM: *John Lynch on Behalf of Todd Hinnen*
Computer Crime and Intellectual Property Section
Criminal Division
Department of Justice
Washington, D.C. 20530

FAX: (202) 514-6113 VOICE: *202-305-8734*

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): *5*

NOTES/COMMENTS:
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Confirmation Report - Memory Send

Page : 001
Date & Time: Oct-15-04 01:29pm
Line 1 :
Line 2 :
Machine ID :

Job number : 269
Date : Oct-15 01:28pm
To : 916036958610
Number of pages : 005
Start time : Oct-15 01:28pm
End time : Oct-15 01:29pm
Pages sent : 005
Status : OK

Job number : 269 *** SEND SUCCESSFUL ***

United States Department of Justice



FACSIMILE TRANSMISSION COVER SHEET

TO: *Ovide LaMontagne* DATE: *15 October 2004*

FAX: *603-695-8610* PHONE: *****

FROM: *John Lynch on behalf of Todd Hinnen*
Computer Crime and Intellectual Property Section
Criminal Division
Department of Justice
Washington, D.C. 20530

FAX: (202) 514-6113 VOICE: *202-305-8734*

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): *5*

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United States Department of Justice



FACSIMILE TRANSMISSION COVER SHEET

TO: *Patrick E. Donovan*

DATE:

FAX: *603-890-6304*

PHONE:

FROM: *John Lynch on behalf of Todd Hinnen*
Computer Crime and Intellectual Property Section
Criminal Division
Department of Justice
Washington, D.C. 20530

FAX: (202) 514-6113

VOICE:

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): *5*

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US 00089

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Confirmation Report - Memory Send

Page : 001
Date & Time: Oct-15-04 12:23pm
Line 1 :
Line 2 :
Machine ID :

Job number : 263
Date : Oct-15 12:16pm
To : 916038906304
Number of pages : 005
Start time : Oct-15 12:20pm
End time : Oct-15 12:23pm
Pages sent : 005
Status : OK

Job number : 263 *** SEND SUCCESSFUL ***

United States Department of Justice



FACSIMILE TRANSMISSION COVER SHEET

TO: Patrick E. Donovan DATE:

FAX: 603-896-6304 PHONE:

FROM: John Lynch on behalf of Todd Hunter
Computer Crime and Intellectual Property Section
Criminal Division
Department of Justice
Washington, D.C. 20530

FAX: (202) 514-6113 VOICE:

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): 5

NOTES/COMMENTS:
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Confirmation Report - Memory Send

Page : 001
Date & Time: Oct-15-04 12:32pm
Line 1 :
Line 2 :
Machine ID :

Job number : 266
Date : Oct-15 12:31pm
To : 916037494970
Number of pages : 005
Start time : Oct-15 12:31pm
End time : Oct-15 12:32pm
Pages sent : 005
Status : OK

Job number : 266 *** SEND SUCCESSFUL ***

United States Department of Justice



FACSIMILE TRANSMISSION COVER SHEET

TO: *John E. Durkin* DATE: *15 Oct 2004*

FAX: *603-749-4970* PHONE: *****

FROM: *John Lynch on behalf of Todd Hines*
Computer Crime and Intellectual Property Section
Criminal Division
Department of Justice
Washington, D.C. 20530

FAX: (202) 514-6113 VOICE: *202 - 365-9732*

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): *5*

NOTES/COMMENTS:
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United States Department of Justice



FACSIMILE TRANSMISSION COVER SHEET

TO: *Finis E. Williams*

DATE: *15 Oct 2004*

FAX: *603-226-2153*

PHONE:

FROM: *John Lynch on behalf of Todd Hinner*
Computer Crime and Intellectual Property Section
Criminal Division
Department of Justice
Washington, D.C. 20530

FAX: (202) 514-6113

VOICE:

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): *5*

NOTES/COMMENTS:

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US 00092

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Confirmation Report - Memory Send

Page : 001
Date & Time: Oct-15-04 12:26pm
Line 1 :
Line 2 :
Machine ID :

Job number : 265
Date : Oct-15 12:24pm
To : 916032262153
Number of pages : 005
Start time : Oct-15 12:24pm
End time : Oct-15 12:26pm
Pages sent : 005
Status : OK

Job number : 265 *** SEND SUCCESSFUL ***

United States Department of Justice



FACSIMILE TRANSMISSION COVER SHEET

TO: *Finis E. Williams* DATE: *15 Oct 2004*

FAX: *603-226-2153* PHONE: *****

FROM: *John Lynch on behalf of Todd Hinnen*
Computer Crime and Intellectual Property Section
Criminal Division
Department of Justice
Washington, D.C. 20530

FAX: (202) 514-6113 VOICE: *****

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): *5*

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United States Department of Justice



FACSIMILE TRANSMISSION COVER SHEET

TO: *John E. Dutton*

DATE: *15 Oct 2004*

FAX: *603-749-4970*

PHONE:

FROM: *John Lynch on behalf of Todd Hunter*
Computer Crime and Intellectual Property Section
Criminal Division
Department of Justice
Washington, D.C. 20530

FAX: (202) 514-6113

VOICE: *202 - 365 - 8732*

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET): *5*

NOTES/COMMENTS:

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US 00094

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STATE OF NEW HAMPSHIRE

HILLSBOROUGH, SS
NORTHERN DISTRICT

SUPERIOR COURT

NH Democratic Party, et al.,

v.

NH Republican State Committee, et al.,
04-E-0328

MOTION TO INTERVENE AND TO STAY DISCOVERY

NOW COMES the United States of America, by and through the undersigned counsel, and hereby moves this Court for an Order, pursuant to New Hampshire Superior Court Rule 139, permitting the United States to intervene in this case for a limited purpose, and granting a temporary stay of all discovery in this case, subject to a status review by the Court after six months.

In support of its motion, the United States relies upon its Memorandum of Law in Support of Motion to Intervene and to Stay Discovery, and further states as follows:

1. The public has a direct and apparent interest, which it is the United States' duty to protect, in preventing interference with ongoing criminal investigations and in protecting the integrity of federal Grand Jury proceedings. Pursuant to New Hampshire Superior Court Rule 139, intervention by the United States is appropriate in this case to protect this vital interest and for the limited purpose of seeking a temporary stay of discovery.
2. Discovery in this case, if allowed to go forward, would interfere in an ongoing federal Grand Jury investigation pending in the United States District Court for the District of New Hampshire.

3. The parties noticed for depositions in this case are likely witnesses in the ongoing federal criminal investigation. Deposition and document discovery of these witnesses would inevitably disclose the substance of ongoing matters occurring before the federal Grand Jury and would permit the targets of the criminal investigation to obtain access to information to which they would not otherwise be entitled at this time regarding the investigation and the United States' likely witnesses.

4. Disclosure would therefore frustrate the purposes of Grand Jury secrecy and could disrupt the ongoing criminal investigation by revealing matters occurring before the Grand Jury.

5. Furthermore, disclosure could result in unfairness to potential targets or subjects of the investigation by disclosing their identities and details about their alleged criminal activities prior to any determination by a Grand Jury as to whether probable cause exists to believe any of those parties committed criminal offenses.

WHEREFORE, the petitioner United States of America prays from this Court the following relief:

1. For an Order granting the United States permission to intervene in this matter for the limited purpose of seeking a delay of discovery;
2. For an Order granting a temporary stay of discovery for a limited period of six months, subject to further review and possible renewal by the Court at that time; and
3. For such other and further relief that the Court deems just and necessary.

Dated: October 15, 2004

Respectfully submitted,

MARTHA STANSELL-GAMM, CHIEF
DEPARTMENT OF JUSTICE
CRIMINAL DIVISION
COMPUTER CRIME & INTELLECTUAL
PROPERTY SECTION

By: /s/
Todd M. Hinnen
Trial Attorney
Tel: (202) 305-7747
Fax: (202) 514-6113

US 00097

CERTIFICATE OF SERVICE

This is to certify that I have this day caused to be served the MOTION OF THE UNITED STATES TO INTERVENE AND TO STAY DISCOVERY by telefax it to:

Steve Gordon, Esq.
Shaheen & Gordon, PA
P.O. Box. 2703
Concord, NH 03302

Fax: (603) 225-5112

Ovide LaMontagne, Esq.
Devine, Millimet and Branch
111 Amherst Street
Manchester, NH 03101

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Patrick E. Donovan, Esq.
Hatem & Donovan
215 Main Street
Salem, NH 03079

Fax: (603) 890-6304

John E. Durkin, Esq.
P.O. Box 608
Dover, NH 03821

Fax: (603) 749-4970

Finis E. Williams, III, Esq.
The Chase Building
15 North Main Street
Concord, NH 03301

Fax: (603) 226-~~2133~~²¹⁵³ JR

This 15th day of October, 2004.

Todd M. Hinnen
Trial Attorney
Criminal Division, Computer Crime and
Intellectual Property Section
U.S. Department of Justice