

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

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UNITED STATES OF AMERICA

v.

EDWARD LEWIS BROWN, and  
ELAINE A. BROWN,

Defendants.

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Criminal No.: 06-071-SM

**GOVERNMENT’S OPPOSITION TO DEFENDANT’S NOTICE AND MOTION  
FOR THE COURT TO ISSUE AN ORDER TO THE GOVERNMENT TO PRODUCE  
THE REAL PARTY IN INTEREST (DOC. NO. 91)**

The United States, by and through its undersigned attorney, hereby opposes the defendants’ Motion for the Court to Issue an Order to the Government to Produce the Real Party in Interest (Doc. No. 91). In support of its opposition, the government states as follows:

1. The defendants seek the issuance of an order requiring the government to “produce the actual plaintiff and to disclose the mailing address and physical location for the plaintiff “UNITED STATES of AMERICA.”
2. The defendants seek the requested information apparently because they desire to subpoena on the “real party in interest.” See Defendants Motion, Conclusion, p. 4.
3. There is no plaintiff in this case because it is a criminal case. It is being prosecuted by the United States Department of Justice and the United States Attorney’s Office on behalf of the people of the United States. Accordingly, the information the defendants seek does not exist.
4. Finally, to the extent the defendants’ motion seeks discovery, it is time barred. See Local Criminal Rule 12.1(a) (requiring discovery motions to be filed within 30 days after arraignment.) To the extent the defendants’ motion seeks dismissal, it is also

not timely. See Local Criminal Rule 12.1(b) (requiring that dismissal motions be filed no later than 21 days before trial.)

For the above-mentioned reasons, the United States respectfully requests that the defendants' motion be denied.

Dated: January 7, 2006

Respectfully submitted,

THOMAS P. COLANTUONO  
United States Attorney

By: /s/William E. Morse  
William E. Morse  
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Certificate of Service

I hereby certify that a copy of the foregoing was forwarded this date by overnight delivery (Saturday service) to Elaine Brown and Edward Brown, defendants, 401 Center of Town Road, Plainfield, New Hampshire 03781.

/s/William E. Morse