



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

June 2, 2008

Via Express Mail

Thomas K. Kahn, Clerk
U.S. Court of Appeals for the 11th Circuit
56 Forsyth Street, NW
Atlanta, GA 30303

RE: USA v. Don Eugene Siegelman & Richard M. Scrushy, Case
No. 07-13163-B.

Dear Mr. Kahn:

Enclosed please find an original and three copies of the government's
Motion for Voluntary Dismissal of Government's Cross-Appeals.

Sincerely,

A handwritten signature in black ink, appearing to read "John-Alex Romano".

John-Alex Romano
(202) 353-0249

cc: Hiram C. Eastland, Jr. (w/ encl.)
James K. Jenkins (w/ encl.)

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

APPEAL NO. 07-13163-B

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

vs.

DON EUGENE SIEGELMAN & RICHARD M. SCRUSHY,
Defendants-Appellants.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

MOTION FOR VOLUNTARY DISMISSAL
OF GOVERNMENT'S CROSS-APPEALS

LOUIS V. FRANKLIN, SR.
Acting United States Attorney
Middle District of Alabama

STEPHEN P. FEAGA
J.B. PERRINE
Assistant United States Attorneys
Middle District of Alabama

JOSEPH L. FITZPATRICK, JR.
Special Assistant U.S. Attorney

WILLIAM M. WELCH, II
Chief

RICHARD C. PILGER
Trial Attorney
Public Integrity Section
Criminal Division
Department of Justice

JOHN-ALEX ROMANO
Appellate Section, Criminal Division
Department of Justice
950 Pennsylvania Ave, NW, Rm 1264
Washington, DC 20530
Phone: (202) 353-0249
Fax: (202) 305-2121

United States v. Don Eugene Siegelman
Appeal No. 07-13163-B

**CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT**

In compliance with Fed. R. App. P. 26.1 and 11th Cir. R. 26.1-1 and 26.1-3, the undersigned hereby certifies that the following persons and/or entities have an interest in the outcome of this case:

1. Adams, Richard Martin
2. Blakey, Robert G.
3. Coody, Charles, Magistrate Judge
4. Eastland, Hiram Chester, Jr.
5. Feaga, Stephen P.
6. Fitzpatrick, Joseph L., Jr.
7. Franklin, Louis V., Sr.
8. Fuller, Mark, United States Chief District Judge
9. Jennifer M. Garrett
10. Gunther, Cynthia E.
11. Hall, W. Perry
12. Heldman, Sam
13. Helmsing, Frederick G.
14. Hernandez, Carmen D.

15. James, Susan Graham
16. Jenkins, James K.
17. Jones, Michael E.
18. Kilborn, Vincent F., III
19. Leach, Arthur W.
20. Maloy, W. Bruce
21. McDonald, David Allen
22. Moore, Leslie V.
23. Morgan Stanley
24. Parkman, James W., III
25. Perrine, James B.
26. Pilger, Richard C.
27. Pitt, Redding
28. Rogow, Bruce S.
29. Romano, John-Alex
30. Scrushy, Richard M.
31. Siegelman, Don Eugene
32. UBS AG (UBS)
33. Welch, William M., II
34. White, William C., II

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

UNITED STATES OF AMERICA, :
Plaintiff-Appellee, :
 :
v. : APPEAL NO. 07-13163-B
 :
DON EUGENE SIEGELMAN & :
RICHARD M. SCRUSHY, :
Defendants-Appellants. :

MOTION FOR VOLUNTARY DISMISSAL
OF GOVERNMENT'S CROSS-APPEALS

The United States of America, through the undersigned counsel, hereby moves to dismiss the government's cross-appeal of the defendants' sentences pursuant to Fed. R. App. P. 42. In support of this motion, the government states as follows:

1. On July 27, 2007, the government filed notices of appeal with respect to the judgments entered against defendants Siegelman and Scrushy. See Docket Entries 639-40 (appearing in volume 10 of record on appeal). The government has elected not to proceed with its cross-appeal as to either defendant. Accordingly, the government urges the Court to dismiss the government's cross-appeals against defendants Siegelman and Scrushy forthwith.

2. This Court's briefing order of March 24, 2008, allows each defendant to file an initial brief of no more than 30,000 words, the government to file an initial brief of no more than 40,000 words, each defendant to file a second brief of no

more than 15,000 words, and the government to file a second brief of no more than 20,000 words. Dismissal of the government's cross-appeals will affect that schedule by eliminating the government's filing of a second brief. The government respectfully submits that the dismissal should not affect the 40,000-word limit governing its first (and now only) brief, because the record in this appeal is extensive and the government will be responding to lengthy opening briefs filed by both defendants. Moreover, the government's brief will need to respond to a third brief, as we understand that an amicus brief has been filed in this appeal in support of defendant Siegelman's position.¹ For all of those reasons, the 40,000-word limit for the government's brief should remain unchanged.

¹ The government consented to the filing of the amicus brief, but has not yet received its service copy.

Respectfully submitted this 2nd day of June, 2008.

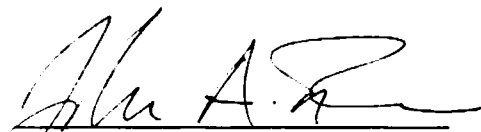
LOUIS V. FRANKLIN, SR.
Acting United States Attorney

WILLIAM M. WELCH, II
Chief, Public Integrity Section

J.B. PERRINE
STEPHEN P. FEAGA
Assistant United States Attorney
Middle District of Alabama
131 Clayton Street
Montgomery, AL 36104
Phone: 334-223-7280
Fax: 334-223-7135

RICHARD C. PILGER
Trial Attorney
Department of Justice
Criminal Division
Public Integrity Section
950 Constitution Ave, NW
Bond Building - 12th Floor
Washington, DC 20530
Phone: (202)514-1412
Fax: (202)514-3003

JOSEPH L. FITZPATRICK, JR.
Special Assistant U.S. Attorney
Assistant Attorney General
Office of the Attorney General
11 S. Union
Montgomery, AL 36130
Phone: (334)353-4839
Fax: (334)242-4890



JOHN-ALEX ROMANO
Attorney, Appellate Section
Criminal Division
Department of Justice
950 Pennsylvania Ave, NW
Room 1264
Washington, DC 20530
Phone: (202) 353-0249
Fax: (202) 305-2121
John-Alex.Romano@usdoj.gov

IN THE
UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

UNITED STATES OF AMERICA, :
Plaintiff-Appellee, :
 :
v. : APPEAL NO. 07-13163-B
 :
DON EUGENE SIEGELMAN & :
RICHARD M. SCRUSHY :
Defendants-Appellants. :

CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2008, I caused a copy of the foregoing Motion to be sent via express mail, delivery on the next business day, to the following counsel for Defendants:

Hiram Chester Eastland, Jr.
Eastland Law Offices, PLLC
307 Cotton Street
Greenwood, MS 38930
(Tel.) 662-453-1227

James K. Jenkins
Maloy Jenkins Parker
Twenty-Fifth Floor
75 Fourteenth Street, NW
Atlanta, GA 30309
(404) 875-2700


JOHN-ALEX ROMANO

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

APPEAL NO. 07-13163-B

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

vs.

DON EUGENE SIEGELMAN & RICHARD M. SCRUSHY,
Defendants-Appellants.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

MOTION FOR VOLUNTARY DISMISSAL
OF GOVERNMENT'S CROSS-APPEALS

LOUIS V. FRANKLIN, SR.
Acting United States Attorney
Middle District of Alabama

STEPHEN P. FEAGA
J.B. PERRINE
Assistant United States Attorneys
Middle District of Alabama

JOSEPH L. FITZPATRICK, JR.
Special Assistant U.S. Attorney

WILLIAM M. WELCH, II
Chief

RICHARD C. PILGER
Trial Attorney
Public Integrity Section
Criminal Division
Department of Justice

JOHN-ALEX ROMANO
Appellate Section, Criminal Division
Department of Justice
950 Pennsylvania Ave, NW, Rm 1264
Washington, DC 20530
Phone: (202) 353-0249
Fax: (202) 305-2121

United States v. Don Eugene Siegelman
Appeal No. 07-13163-B

**CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT**

In compliance with Fed. R. App. P. 26.1 and 11th Cir. R. 26.1-1 and 26.1-3, the undersigned hereby certifies that the following persons and/or entities have an interest in the outcome of this case:

1. Adams, Richard Martin
2. Blakey, Robert G.
3. Coody, Charles, Magistrate Judge
4. Eastland, Hiram Chester, Jr.
5. Feaga, Stephen P.
6. Fitzpatrick, Joseph L., Jr.
7. Franklin, Louis V., Sr.
8. Fuller, Mark, United States Chief District Judge
9. Jennifer M. Garrett
10. Gunther, Cynthia E.
11. Hall, W. Perry
12. Heldman, Sam
13. Helmsing, Frederick G.
14. Hernandez, Carmen D.

15. James, Susan Graham
16. Jenkins, James K.
17. Jones, Michael E.
18. Kilborn, Vincent F., III
19. Leach, Arthur W.
20. Maloy, W. Bruce
21. McDonald, David Allen
22. Moore, Leslie V.
23. Morgan Stanley
24. Parkman, James W., III
25. Perrine, James B.
26. Pilger, Richard C.
27. Pitt, Redding
28. Rogow, Bruce S.
29. Romano, John-Alex
30. Scrushy, Richard M.
31. Siegelman, Don Eugene
32. UBS AG (UBS)
33. Welch, William M., II
34. White, William C., II

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

UNITED STATES OF AMERICA. :
Plaintiff-Appellee, :
 :
v. : APPEAL NO. 07-13163-B
 :
DON EUGENE SIEGELMAN & :
RICHARD M. SCRUSHY, :
Defendants-Appellants. :

**MOTION FOR VOLUNTARY DISMISSAL
OF GOVERNMENT'S CROSS-APPEALS**

The United States of America, through the undersigned counsel, hereby moves to dismiss the government's cross-appeal of the defendants' sentences pursuant to Fed. R. App. P. 42. In support of this motion, the government states as follows:

1. On July 27, 2007, the government filed notices of appeal with respect to the judgments entered against defendants Siegelman and Scrushy. See Docket Entries 639-40 (appearing in volume 10 of record on appeal). The government has elected not to proceed with its cross-appeal as to either defendant. Accordingly, the government urges the Court to dismiss the government's cross-appeals against defendants Siegelman and Scrushy forthwith.

2. This Court's briefing order of March 24, 2008, allows each defendant to file an initial brief of no more than 30,000 words, the government to file an initial brief of no more than 40,000 words, each defendant to file a second brief of no

more than 15,000 words, and the government to file a second brief of no more than 20,000 words. Dismissal of the government's cross-appeals will affect that schedule by eliminating the government's filing of a second brief. The government respectfully submits that the dismissal should not affect the 40,000-word limit governing its first (and now only) brief, because the record in this appeal is extensive and the government will be responding to lengthy opening briefs filed by both defendants. Moreover, the government's brief will need to respond to a third brief, as we understand that an amicus brief has been filed in this appeal in support of defendant Siegelman's position.¹ For all of those reasons, the 40,000-word limit for the government's brief should remain unchanged.

¹ The government consented to the filing of the amicus brief, but has not yet received its service copy.

Respectfully submitted this 2nd day of June, 2008.

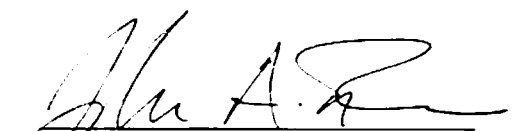
LOUIS V. FRANKLIN, SR.
Acting United States Attorney

WILLIAM M. WELCH, II
Chief, Public Integrity Section

J.B. PERRINE
STEPHEN P. FEAGA
Assistant United States Attorney
Middle District of Alabama
131 Clayton Street
Montgomery, AL 36104
Phone: 334-223-7280
Fax: 334-223-7135

RICHARD C. PILGER
Trial Attorney
Department of Justice
Criminal Division
Public Integrity Section
950 Constitution Ave, NW
Bond Building - 12th Floor
Washington, DC 20530
Phone: (202)514-1412
Fax: (202)514-3003

JOSEPH L. FITZPATRICK, JR.
Special Assistant U.S. Attorney
Assistant Attorney General
Office of the Attorney General
11 S. Union
Montgomery, AL 36130
Phone: (334)353-4839
Fax: (334)242-4890



JOHN-ALEX ROMANO
Attorney, Appellate Section
Criminal Division
Department of Justice
950 Pennsylvania Ave, NW
Room 1264
Washington, DC 20530
Phone: (202) 353-0249
Fax: (202) 305-2121
John-Alex.Romano@usdoj.gov

IN THE
UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

UNITED STATES OF AMERICA, :
Plaintiff-Appellee, :

v. :

APPEAL NO. 07-13163-B

DON EUGENE SIEGELMAN & :
RICHARD M. SCRUSHY :
Defendants-Appellants. :

CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2008, I caused a copy of the foregoing Motion to be sent via express mail, delivery on the next business day, to the following counsel for Defendants:

Hiram Chester Eastland, Jr.
Eastland Law Offices, PLLC
307 Cotton Street
Greenwood, MS 38930
(Tel.) 662-453-1227

James K. Jenkins
Maloy Jenkins Parker
Twenty-Fifth Floor
75 Fourteenth Street, NW
Atlanta, GA 30309
(404) 875-2700


JOHN-ALEX ROMANO