

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Edward W. Nottingham

Criminal Case No. 05–cr–00545–EWN

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. JOSEPH P. NACCHIO,

Defendant.

STIPULATED ORDER REGARDING SEQUESTRATION OF WITNESSES

Pursuant to Fed. R. Evid. 615, and by agreement of the parties, it is

ORDERED as follows:

1. All witnesses in the forthcoming trial of this case shall be sequestered pursuant to Fed. R. Evid. 615. Accordingly, except for the parties' designated representatives (i.e., two for the government) or any expert witness (in order to permit the expert witness to properly consider the trial testimony of any other witnesses in formulating the expert's opinion testimony), all witnesses shall remain outside the courtroom except while testifying.

2. No witness shall read the trial testimony of another witness, except for (1) the defendant, to the extent authorized by the Sixth Amendment, and (2) any expert witness, in order to permit the expert witness to properly consider the trial testimony of any other witnesses in formulating the expert's opinion testimony.

3. No witness (except the defendant, to the extent authorized by the Sixth Amendment) shall discuss his or her trial testimony with any other witness.

4. No witness shall discuss with any person (including, but not limited to, government counsel, defense counsel, and the witness' counsel), the testimony of any other witness, except for (1) the defendant, to the extent authorized by the Sixth Amendment, and (2) any expert witness, in order to permit the expert witness to properly consider the trial testimony of any other witnesses in formulating the expert's opinion testimony.

5. No witness (except the defendant, to the extent authorized by the Sixth Amendment) shall, from the beginning of the witness's cross-examination until the conclusion of the first round of cross-examination, talk with anyone (including, but not limited to, government counsel, defense counsel and the witness's counsel) about the subject matter of this case, the witness's testimony, or the witness's demeanor on the witness stand, without the express permission of the court, after a request made to the court by the witness outside the presence of the jury.

6. The party calling a witness shall insure that the witness and any counsel for the witness are made aware of the provisions of this sequestration order.

Dated this 14th day of March, 2007.

BY THE COURT:

s/ Edward W. Nottingham
EDWARD W. NOTTINGHAM
United States District Judge