

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

04 MAY 19 AM 8:13

U.S. DISTRICT COURT  
N.D. OF ALABAMA

UNITED STATES OF AMERICA, )  
)  
vs. )  
)  
ERIC ROBERT RUDOLPH, )  
)  
)  
Defendant. )

Case No. CR-00-S-422-S

yf3  
**ENTERED**  
MAY 19 2004

DISCOVERY ORDER NO. 1

This cause came before the court for hearing on the defendant's motion for discovery of lab bench notes, etc., filed under seal on April 8, 2004. (Doc. 181). The motion was supported by an *in camera* submission, not served on the Government. (Doc. 182). In response to the motion, the Government agrees to produce much of the material requested, to the extent it actually exists, but argues also that the *in camera* submission must be made available to the Government for its response. Having heard the arguments and representations of counsel, it is ORDERED as follows:

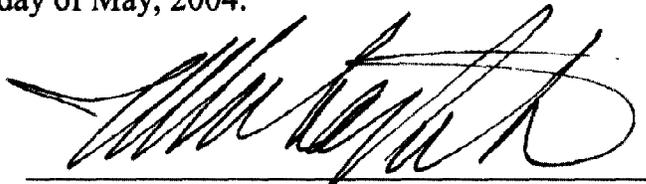
1. The motion for discovery (Doc. 181) is hereby UNSEALED.
2. The Government may obtain from the Clerk a copy of the *in camera* submission (Doc. 182) upon the expiration of ten (10) days after this Order, unless such is stayed by further order of the court. Otherwise, the submission shall remain sealed pending further order.
3. The Government may submit a brief within ten (10) days after this Order relating to whether the scope of discovery requested by the defendant properly includes scientific and forensic testing in connection with the Birmingham bombing only, or also includes such testing performed with respect to arguably related Atlanta bombings. The defendant may file a response to the

Government's brief within ten (10) days after its date of service. Thereafter the court will take under submission the issue of the scope of discovery.

4. Within fifteen (15) days after the date of this Order, the Government shall produce to the defendant a log summarizing all correspondence related to scientific and forensic testing connected to the Birmingham bombing, identifying each piece of correspondence by date, author(s), recipient(s), and general subject matter. To the extent that the Government contends that any piece of correspondence is not discoverable, it shall so indicate the grounds for such contention. Within ten (10) days after the log is produced, the defendant shall specify to the Government those documents on the log he contends are properly discoverable. If the parties cannot agree on discovery within ten (10) days thereafter, the defendant may seek a court decision on the issue.

The Clerk is DIRECTED to forward a copy of the foregoing to all counsel of record.

DONE this the 18<sup>th</sup> day of May, 2004.

A handwritten signature in black ink, appearing to read 'T. Michael Putnam', written over a horizontal line.

T. MICHAEL PUTNAM  
UNITED STATES MAGISTRATE JUDGE