



with Rule 15.1(b)(2). The government claims to have placed most of the discoverable documents in file folders that provide a description of the source of the records. These documents, along with the file folder jackets, were copied by a group hired by the defense counsel. In regard to the files not within the folders, the government gives a list of categories under which the documents should fall. These include: Office-Business Records; Office-Medical Records; Hospital Records; Medical Records; Miscellaneous Records; Witness Records; Financial Records; Insurance Records; State Files; Instructional, and Computer Data.

Lazar adds that the need for such a list relates to alleged inconsistent statements made by the government concerning its experts and what those experts reviewed. Lazar contends that the government has misrepresented the number of patient files that were reviewed by its experts as well as the identity of the experts themselves. In particular, Lazar claims that on one occasion, the government stated that its experts had reviewed over 160 patient files, but on another occasion, the government told the defense that only 120 files had been reviewed. Lazar also claims that at one time the government stated that one of its experts was from Utah, yet on another occasion the government claimed that the expert was from Missouri. These inconsistent statements are adequately explained by the government in its response. In regard

to the number of patients reviewed, both statements are correct. The government initially obtained a list of 160 patients under the age of five years, but decided to limit expert review to those 120 cases of children less than three years of age. In regard to the expert from two different states, these statements were also correct. The government's expert, Dr. Harlin Munts, is originally from St. Louis, Missouri, but now resides in Utah. Thus, Mr. Lazar's contentions are without merit.

Accordingly, Lazar's motion to compel the government's compliance with Local Criminal Rule 15.1(b)(2) is denied.

IT IS SO ORDERED this 28th day of October, 2004.

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DIANE K. VESCOVO  
UNITED STATES MAGISTRATE JUDGE