

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

DAVID HOSSEIN SAFAVIAN

Defendant

: Cr. No 05-370 (PLF)
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GOVERNMENT’S FEDERAL RULE OF EVIDENCE 404(b) NOTICE

The United States of America, by and through its undersigned attorneys, hereby respectfully gives notice to defendant Safavian that it may introduce the following evidence at trial pursuant to Fed. R. Evid. 404(b):

In or about November, 2003, defendant Safavian, then Chief of Staff of the General Services Administration (“GSA”), learned that GSA was about to suspend four TYCO entities (“TYCO”) from doing business with the federal government. Defendant Safavian, who knew that TYCO was a lobbying client of Jack Abramoff’s, called Abramoff and gave him advance warning that TYCO was about to be suspended from doing business with the government. Defendant Safavian subsequently provided Abramoff with sensitive and confidential information regarding internal GSA deliberations about the circumstances surrounding the TYCO suspension, including information that some GSA officials were concerned about whether TYCO had been treated fairly in relation to other similarly situated companies. After advising Abramoff about these internal deliberations, Defendant Safavian then suggested to Abramoff what arguments TYCO should make when it appealed the

suspension decision to GSA officials. Abramoff subsequently passed this information on to TYCO officials.

The government submits that this evidence would be relevant to show, inter alia, defendant's motive and intent in lying to the GSA ethics adviser, GSA-OIG and the Senate staffers about the true nature of his relationship with Jack Abramoff, and would also help establish that defendant's false statements were not made by mistake or accident.

Respectfully submitted,



NATHANIEL B. EDMONDS
Trial Attorney, Fraud Section
Criminal Division
United States Department of Justice

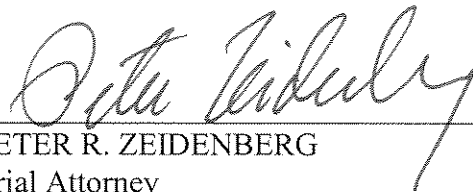


PETER R. ZEIDENBERG
Trial Attorney, Public Integrity Section
Criminal Division
United States Department of Justice

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of January, 2006, a copy of the foregoing was served on the following counsel by facsimile, electronic service and first class mail to:

Barbara Van Gelder, Esq.
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A handwritten signature in cursive script, reading "Peter R. Zeidenberg", written over a horizontal line.

PETER R. ZEIDENBERG
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