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October 15, 2009

VIA OVERNIGHT MAIL

Hon. Herman J. Weber
Potter Stewart U.S. Courthouse, Room 801
100 East Fifth Street
Cincinnati, OH 45202

Re: *United States v. Arctic Glacier International Inc.*, 09-cr-149
United States v. Frank G. Larson, 09-cr-147
United States v. Keith E. Cobrin, 09-cr-146
United States v. Gary D. Cooley, 09-cr-148

Dear Judge Weber:

We represent nine individuals and have been appointed interim lead counsel for the indirect purchaser class in *In re Packaged Ice Antitrust Litig.*, MDL No. 1952, pending in the United States District Court for the Eastern District of Michigan. Our clients are victims of defendants' criminal activity. They paid more for packaged ice than they would have in the absence of defendants' criminal activity and we believe that the effect of the conspiracy continues to linger causing them harm today. We write to assert our clients' rights as victims under Crime Victims Rights Act (18 U.S.C. § 3771).

In particular, we respectfully request the opportunity to be heard before the Court decides whether to accept the plea agreements with the above-referenced defendants. We only learned yesterday that the defendants entered into plea agreements with the government and that Arctic Glacier's arraignment is scheduled for October 27, 2009. Indeed, Arctic Glacier's plea agreement was made pursuant Fed. R. Crim. P. 11(C)(1)(c) and thus deprives the Court of any sentencing discretion should it accept the plea.

Our need to be heard is even more compelling because it appears that the government may have violated the CVRA in entering into the plea agreements. Although the government has known of our existence for a long time, the government never conferred with us as the CVRA requires before entering into the plea agreements. *See, e.g., In re Dean*, 527 F.3d 391, 394 (5th Cir. 2008) ("the government should have fashioned a reasonable way to inform the victims of the

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likelihood of criminal charges and to ascertain the victims' views on the possible details of a plea bargain").

The CVRA affords us, *inter alia*, "[t]he right to reasonable, accurate, and timely notice of any public court proceeding ... involving the crime" and "[t]he right to be reasonably heard at any public proceeding in the district court involving ... plea [or] sentencing." 18 U.S.C. § 3771(a)(2)&(4). The CVRA further provides that "the court shall ensure that the crime victim is afforded the[se] rights." 18 U.S.C. § 3771(b)(1). Accordingly, we respectfully request that the Court decline to accept Arctic Glacier's plea agreement at its arraignment scheduled on October 27, 2009 and allow us at least 30 days' notice before it considers accepting any plea agreement in connection with the above-referenced cases.

Respectfully yours,



Matthew S. Wild

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