UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA No. 08-CR-364 (RHK/AJB)

UNITED STATES OF AMERICA,

Plaintiff,

VS.

MOTION TO SUPPRESS FOR VIOLATION OF McDADE ACT

THOMAS JOSEPH PETTERS,

Defendant.

Defendant Thomas Joseph Petters, by and through his undersigned attorneys, hereby moves the Court for an order suppressing all evidence obtained on or about October 1, 2008, in violation of Minn. R. Prof. Conduct 4.2 and the McDade Act, 28 U.S.C. § 530B(a). In support of this motion, the undersigned provides:

- 1. E-mail from Mr. Petters' former counsel John W. Lundquist of Fredrikson & Byron, P.A., to the U.S. Attorney's Office dated September 26, 2008 (Exhibit A); and
 - 2. Affidavit of Jon M. Hopeman (Exhibit B).

The undersigned also submits a memorandum of law in support of this motion.

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Dated: February 25, 2009

s/ Jon M. Hopeman_

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