

1 GEORGE S. CARDONA  
Acting United States Attorney  
2 CHRISTINE C. EWELL  
Assistant United States Attorney  
3 Chief, Criminal Division  
MICHAEL J. RAPHAEL (Cal. Bar # 208232)  
4 Assistant United States Attorney  
Chief, Appeals Section  
5 MICHAEL R. WILNER (Cal. Bar # 156592)  
Assistant United States Attorney  
6 Deputy Chief, Major Frauds Section  
1100 United States Courthouse  
7 312 North Spring Street  
Los Angeles, California 90012  
8 Telephone: (213) 894-3391/0687  
Facsimile: (213) 894-6269  
9 E-mail: michael.raphael@usdoj.gov  
michael.wilner@usdoj.gov  
10 Attorneys for Plaintiff  
United States of America  
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12 UNITED STATES DISTRICT COURT  
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA, ) No. CR 05-398-GAF  
15 )  
Plaintiff, ) **DECLARATION OF AUSA MICHAEL R.**  
16 ) **WILNER; EXHIBITS**  
v. )  
17 ) Hearing Date: December 7, 2009  
STUART H. WOLFF, ) Hearing Time: 1:30 p.m.  
18 )  
Defendant. ) Trial: January 26, 2009  
19 )  
20 )  

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1           Exhibit 6:           Testimony of former Homestore Chief Operating  
2                                   Officer John Giesecke.

3           Exhibit 7:           Homestore check / wire transfer  
4                                   authorizations for expenditures in roundtrip  
                                  deals signed by Wolff.

5           Exhibit 8:           Excerpts from deposition of defendant Wolff  
6                                   in Department of Justice antitrust  
                                  investigation in early 2001.

7           Exhibit 9:           E-mails to and from defendant Wolff regarding  
8                                   AOL deals and operational issues at  
                                  Homestore.

9           Exhibit 10:          SEC records regarding Wolff's sale of  
10                                  Homestore stock during 2001.

11                                   \* \* \*

12           4.     I have closely reviewed the key exhibits in support of  
13                   defendant Wolff's motion for an evidentiary hearing. I have also  
14                   spoken at length with counsel for PWC regarding those documents.  
15                   While I understand that Wolff's lawyers have recently obtained  
16                   and analyzed electronic versions of some of these materials, I am  
17                   informed that the Wolff team has possessed identical versions of  
18                   certain of these records for several years.

19           5.     As an example, Defense Exhibit 48 is a version of a  
20                   PWC workpaper that contains an internal e-mail called a coaching  
21                   note. Wolff claims in his motion that he has "discovered" this  
22                   version of the workpaper and coaching note (Motion at 23), and  
23                   "now can prove by extrinsic evidence" that PWC modified its  
24                   workpaper improperly (Motion at 27).

25           6.     However, the document contained at Defense Exhibit 48  
26                   was: (a) produced to Wolff in related civil litigation in 2002 or  
27

1 2003; and (b) marked and used in depositions of PWC personnel in  
2 October 2003. I have reviewed deposition transcripts of PWC  
3 employees Jennifer Campos and Mary Shelton Rose in which this  
4 document was shown to the witnesses as the subject of questioning  
5 over six years ago. I further observed that Howard Privette, a  
6 partner at the Paul Hastings law firm and a lawyer who  
7 participated in Wolff's 2006 federal criminal trial, was present  
8 for that questioning and actively participated in the deposition.

9 7. Similarly, with respect to PWC's preliminary  
10 Section 10A investigation in December 2001, Wolff points to  
11 handwritten interview notes of Homestore employees taken by PWC  
12 personnel (Defense Exhibit 16) and an investigative work plan  
13 prepared by a senior auditor (Defense Exhibit 39). Wolff implies  
14 that he recently uncovered these records, which now affects the  
15 analysis of PWC's past actions.

16 8. It appears that Wolff also had access to these records  
17 many years ago. Both of the documents contain document control  
18 numbers and Freedom of Information Act identifiers indicating  
19 that PWC produced the records to the Securities and Exchange  
20 Commission in response to an SEC subpoena in 2002. The  
21 government made the SEC's evidentiary files available to Wolff's  
22 attorneys for review and copying in 2005, well before the  
23 original 2006 trial in this case.

1 I declare under penalty of perjury under the laws of the  
2 United States of America that the foregoing is true and correct.

3 Executed on November 13, 2008, in Los Angeles, California.  
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5 /s/

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MICHAEL R. WILNER  
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