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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

vs.

STEPHEN JIN-WOO KIM,

Defendant.

Criminal No. 10-255 (CKK)

Filed with Classified
Information Security Officer

CISO

Date

Carrie R. [Signature]
10/29/2013

ADDENDUM OPINION
(October 28, 2013)

The Court provides herein an addendum to its October 9, 2013 Order Granting-In-Part and Denying-In-Part the Defendant's [125] Fifth Motion to Compel. In its October 9, 2013 Order, the Court ordered the United States to produce additional classified discovery in connection with three motive theories that the Government planned to rely on at trial. On October 18, 2013, the Government filed a [175] Notice Regarding Motive stating that it had "elected not to rely on these motive theories at trial, thereby eliminating the basis for the defendant's classified discovery demands related to motive in his Fifth Motion to Compel." At a closed hearing conducted on October 28, 2013, the Government further clarified that the evidence sought by Defendant to rebut the Government's motive theories need not be provided by the Government because the Government will not be pursuing these theories at trial or offering evidence in support of them. Therefore, pursuant to these representations by the Government regarding the abandonment of its motive theories, Sections III.A, III.B, and III.C of the Court's October 9, 2013 Order Granting-In-Part and Denying-In-Part the Defendant's [125] Fifth Motion to Compel are VACATED AS MOOT. The Government need not provide the additional classified discovery ordered by the Court.

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/s/

COLLEEN KOLLAR KOTELLY
UNITED STATES DISTRICT JUDGE

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