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The Honorable Owen M. Panner
Senior U.S. District Judge
U.S. District Court for the District of Oregon
James A. Redden U.S. Courthouse
310 West Sixth, Room 201
Medford, OR 97501

Re: *The Church of the Holy Light of the Queen, et al. v. Mukasey, et al.*,
Civil Case No. 08-03095-PA

Dear Judge Panner:

Wishing to avoid overdoing argument on this issue, I simply respond to Mr. Bowen's January 2, 2009 letter by pointing to these important facts:

1. No judicial acts are proposed to take place in Brazil:
 - a) No subpoena will be required for Dr. MacRae's appearance;
 - b) Administration of the oath will be done by the court reporter in the U.S.;
 - c) No involvement of U.S. officials will be necessary: the testimony will be given from Dr. MacRae's office or home;
 - d) The videography will be privately provided;
 - e) Counsel for the parties will participate from within the U.S.;

- f) The Judge will be your honor, in Medford;
- g) The testimony will be recorded by a U.S. official reporter in the U.S.

In sum, the only acts in Brazil will be an American citizen's voluntary answers to questions from the U.S.

2. Neither Mr. Bowen nor Mr. Beane have denied that the DOJ did take Dr. Brita's and Dr. Olivera's testimony from Brazil in the UDV case.

3. Mr. Betancourt's declaration was given on May 24, 2001; the DOJ took Dr. Brita's testimony from Brazil on September 14, 2001, according to the transcript in the UDV case.

4. The balance of hardships is for the Court to decide.

Respectfully submitted,



Don H. Marmaduke

DHM:jc

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