



U.S. Department of Justice

United States Attorney
District of New Jersey

402 East State Street, Room 430
Trenton, New Jersey 08608

(609) 989-2190
FAX (609) 989-2275

June 6, 2005

Patrick Collins, Esquire
Franzblau Dratch, P.C.
354 Eisenhower Parkway
P.O. Box 472
Livingston, NJ 07039

Re: Dr. Albert Poet

Dear Mr. Collins:

With respect to the interview of Dr. Albert Poet ("your client") by representatives of the United States Attorney's Office for the District of New Jersey and the U.S. Federal Drug Administration, to be held on June 6, 2005 ("the interview"), the following terms and conditions apply:

1. Should your client be prosecuted, no statements made by your client during the interview will be used against your client in the government's case-in-chief at trial or for purposes of sentencing, except as provided below.
2. The government may use any statement made or information provided by your client, or on your client's behalf, in a prosecution for false statements, perjury, or obstruction of justice, premised on statements or actions during or subsequent to the interview.
3. The government may make derivative use of and may pursue any investigative leads suggested by any statements made or other information provided by your client, and may use the evidence or information obtained therefrom against your client in any manner.
4. The government may use your client's statements and any information provided by your client to cross-examine your client and to rebut any evidence or arguments offered on your client's behalf.
5. Neither this letter nor the interview constitutes a plea discussion. In the event this letter or the interview is later construed to constitute a plea discussion, your client knowingly and voluntarily waives any right your client might have under Fed. R. Evid. 410, Fed. R. Crim. P. 11(f), or otherwise, to prohibit the use against your client of statements made or information provided during the interview.

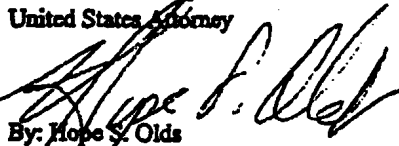
A81

6. Neither this letter nor the interview requires the government to enter into any plea discussions with your client or to file any motion regarding cooperation provided by your client. Furthermore, neither this letter nor the interview constitutes the timely provision of complete information to the government concerning your client's involvement in an offense, within the meaning of Section 3E1.1(b)(1) of the Sentencing Guidelines.

7. No statements made by your client during the interview shall be used directly to determine the applicable Sentencing Guidelines range, except as set forth in the final sentence of this paragraph. However, the government may use such statements and any other information provided by your client to pursue investigative leads suggested thereby and may use any evidence or information generated by its investigation directly against your client to determine the applicable guideline range. Moreover, with regard to sentencing, the government may use the statements made and the information provided by your client during the interview to cross-examine your client and to rebut any evidence or arguments offered on your client's behalf. In addition, the government may disclose to the Probation Office and the Court any statements made and information provided by your client and may use such statements and information to determine where within a given guideline range your client should be sentenced and to oppose any downward departure or downward adjustment.

Very truly yours,

CHRISTOPHER J. CHRISTIE
United States Attorney



By: Hope S. Olds
Assistant U.S. Attorney

I have received this letter from my attorney, Patrick Collins, Esq., I have read it, and I understand it fully. I hereby accept the terms and conditions set forth in the letter. This constitutes the full agreement between the parties regarding the government's use of the statements I made and information I provided during the interview.

AGREED AND ACCEPTED:



Dr. Albert Poet

Date: 6-6-05



Patrick Collins, Esquire

Date: 6-6-05

-1

CERTIFICATE OF SERVICE

I, Eugenia A. P. Cowles, Assistant United States Attorney, do hereby certify that on this date, I served the foregoing Notice of Motion and Memorandum Of The United States In Support Of Its Motion For Enforcement Of Proffer Agreement as follows:

VIA FACSIMILE AND FIRST CLASS MAIL

Mr. William J. Hughes, Jr., Esq.
Cooper Levenson April Niedelman & Wagenheim, P.A.
1125 Atlantic Avenue, 3rd Floor
Atlantic City, NJ 08401
Fax: (609) 344-0939

Dated: January 16, 2007



Eugenia A. P. Cowles
Assistant United States Attorney