

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

<b>UNITED STATES OF AMERICA</b>	:	
	:	
v.	:	<b>Case No. 21-CR-175 (TJK)</b>
	:	
<b>ETHAN NORDEAN, et al.</b>	:	
	:	
<b>Defendants.</b>	:	

**JOINT STATUS REPORT WITH PROPOSED PRETRIAL SCHEDULE**

In accordance with the Court’s Order of June 24, 2022 (ECF 419), the government and defendants submit this joint status report and a proposed scheduling order that would allow trial to commence with jury selection on December 12, 2022. The government and defendants are in agreement as to all dates set forth in the proposed scheduling order with the exception of the following items:

- **Paragraph 1 (Motions to Dismiss).**
  - **The government and Defendants Biggs, Rehl, Tarrío and Pezzola propose** that a hearing on any additional motions to dismiss be held during the month of September 2022. The aforementioned parties propose that any motions to dismiss be filed on August 19; oppositions due September 2; and replies due September 9, which would allow for a motions hearing to be held at the end of September 2022. The government and aforementioned defendants assert that the proposed schedule sets an orderly process by which the Court may receive, consider, and address the numerous pre-trial motions that are anticipated in this case.
  - **Defendants Nordean proposes** that any motions to dismiss be filed on October 14; oppositions due October 28; and replies due November 4. Defendant Nordean proposes a hearing on the motions to dismiss to coincide with the pre-trial

conference on November 18, 2022. Nordean asserts that “by creating staggered deadlines for different pretrial motions, the government is attempting to manipulate the Speedy Trial Act clock.”<sup>1</sup> Nordean has proposed a reasonable deadline for all pretrial motions of October 14. To the extent the court sets an earlier deadline for any pretrial motion, Nordean opposes on due process, Sixth Amendment and Speedy Trial Act grounds.”

- **Paragraphs 14 – 15 (Impeachment Materials and Witness Statements)**

- The parties have agreed to set the deadline to produce impeachment materials 14 days before the start of trial with the understanding that the parties will continue to discuss whether one additional week (*i.e.*, 21 days) or more is necessary.

The proposed scheduling order submitted herewith has been prepared based on a jury selection and trial date of December 12, 2022. Were the jury selection and trial date to be continued to January 3, 2023, which (as described below) is the preference of some of the parties, the parties would propose a corresponding adjustment to the proposed filing dates.

Specifically, the government and defendants Biggs, Rehl, Tarrio, and Pezzola would propose to begin the trial on January 3, 2023, rather than attempt to seat a jury to work continuously through the December holiday season. However, such a start date is not currently possible for Defendant Rehl’s counsel, Ms. Hernandez, who has a trial scheduled to begin on February 1, 2023, before the Honorable Amit P. Mehta. *U.S. v. Donovan Crawl*, 21-cr-28 (APM). Absent that constraint, the government and defendants Biggs, Rehl, Tarrio, and Pezzola would consent to starting this trial on January 3, 2023, scheduling the pretrial conference for December 12, 2022,

---

<sup>1</sup> The government disputes this allegation. The staggered schedule is not an “attempt[] to manipulate the Speedy Trial Clock” but rather an effort to ensure that each litigated issue can receive the full attention of the parties and the Court.

and making corresponding adjustments to the other filing deadlines proposed. Defendant Nordean opposes any further delay beyond December 12, 2022, and Defendant Nordean opposes any adjustment to the pretrial schedule that he has proposed.

To the extent that the parties failed to address any relevant deadlines or dates to the Court's satisfaction, the parties would appreciate the opportunity to receive the Court's guidance and for the government and defendants to work together to present a joint proposal to address any issues identified by the Court.

Respectfully submitted,

MATTHEW M. GRAVES  
United States Attorney  
DC Bar No. 481052

By: */s/ Jason McCullough*  
JASON B.A. MCCULLOUGH  
D.C. Bar No. 998006; NY Bar No. 4544953  
ERIK M. KENERSON  
Ohio Bar No. 82960  
NADIA E. MOORE, NY Bar No. 4826566  
On Detail to the District of Columbia  
Assistant United States Attorneys  
601 D Street, N.W.  
Washington, D.C. 20530  
(202) 252-7233 //  
jason.mccullough2@usdoj.gov

By: */s/ Conor Mulroe*  
CONOR MULROE, NY Bar No. 5289640  
Trial Attorney  
U.S. Department of Justice, Criminal  
Division  
1301 New York Ave. NW, Suite 700  
Washington, D.C. 20530  
(202) 330-1788  
Conor.Mulroe@usdoj.gov