

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES,

v.

EDWARD JACOB LANG,

Defendant.

Criminal Action No. 1:21-cr-00053 (CJN)

REVISED SCHEDULING ORDER

Trial is set to commence in this matter on **May 29, 2023**, at 9:00 a.m. in Courtroom 19. Jury selection will begin that day at 9:00 a.m. Jury selection and the trial will be conducted in accordance with Appendix 8 of the Continuity of Operations Plan for COVID-19, assuming it is still in effect. The following deadlines shall govern pretrial proceedings:

1. Counsel shall appear on **December 16, 2022** at 2:30 p.m. for a telephonic status conference.
2. The Defendant shall produce any reciprocal discovery not already disclosed by **January 20, 2023**.
3. The Parties shall file any motions *in limine* and any factual proffers in support of affirmative defenses by **February 3, 2023**. Oppositions to motions *in limine* shall be filed by **February 24, 2023**. Any reply shall be filed by **March 3, 2023**.
4. The Defendant shall file any motion seeking a change of venue by **February 17, 2023**. The United States shall file any opposition by **March 3, 2023**. Any reply shall be filed by **March 10, 2023**.
5. Before filing a motion, the Parties shall meet and confer to discuss whether any issues presented by the motion can be resolved by agreement of the Parties.

6. The Parties shall also file with the Court no later than **March 24, 2023**, a Joint Pretrial Statement that contains:

- a. A neutral statement of the case: The Parties shall include a neutral statement of the case for the Court to read to prospective jurors.
- b. Proposed voir dire questions: The Parties shall indicate –
 - i. the *voir dire* questions that the parties agree to; and
 - ii. the *voir dire* questions that the Parties disagree on, with specific objections noted as to each disputed question.
- c. Proposed jury instructions: The Parties shall submit a list of proposed jury instructions, followed by the text of each proposed instruction, that indicates:
 - i. the instructions that the Parties agree to; and
 - ii. the instructions that the Parties disagree to, with specific objections noted below each disputed instruction, and the proposed instruction's source including supporting legal authority.

Proposed instructions may be updated as needed to reflect the evidence presented at trial. Absent a showing of good cause, no other modifications will be permitted.

- d. List of witnesses: The Parties shall identify the witnesses that each side anticipates it may call in its case-in-chief, divided into the following categories:
 - i. witnesses who will be called to testify at trial;
 - ii. witnesses who may be called to testify at trial; and

- iii. witnesses whose testimony a party will present by deposition or other prior testimony, indicating whether the presentation will be by transcript or video.

The Court will read the list of witnesses to the jury during *voir dire*. In the list, each witness name should be accompanied by a brief description of each witness's expected testimony and area of expertise, if applicable, followed by specific objections, if any, to each witness.

- e. Exhibit lists: The Parties shall include an exhibit list that each side anticipates it may introduce in its case-in-chief. The Parties need not list any exhibit that might be used for purposes of impeachment. The Parties should confer with Courtroom Deputy Courtney Moore about the format of the exhibit list. The Parties should not provide a copy of the exhibits to the Court but must exchange pre-marked exhibits. The Parties must be prepared to raise objections to any proposed exhibit at the Pretrial Conference. The objecting party shall bring three copies of any contested exhibit to the Pretrial Conference.
 - f. Stipulations: The Parties shall submit a draft of all stipulations.
 - g. Proposed verdict form: The Parties shall include a draft verdict form, including any proposed special interrogatories. The draft verdict form should include a date and signature line for the jury foreperson.
7. In addition to filing the Joint Pretrial Statement, on **March 24, 2023**, the Parties shall transmit, in Word format, an electronic copy of (a) any proposed modification to a standard jury instruction, (b) any non-standard jury instruction, and (c) the

verdict form by email to the Courtroom Deputy Courtney Moore at Courtney_Moore@dcd.uscourts.gov.

8. The Parties shall file any *Daubert* motions on or before **April 10, 2023**. Oppositions to *Daubert* motions shall be filed by **April 24, 2023**. Any reply shall be filed by **May 1, 2023**.
9. The United States should endeavor to make grand jury and Jencks Act disclosures as to each witness it expects to call in its case-in-chief by **May 19, 2023**. Any *Brady* material not already disclosed also must be disclosed by this date.
10. The Court will schedule hearings on any motions filed by the Parties as necessary.
11. Counsel shall appear on **May 15, 2023**, at 10:00 a.m. for a pretrial conference in Courtroom 19.

It is so **ORDERED**.

DATE: November 28, 2022



CARL J. NICHOLS
United States District Judge