

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

<b>UNITED STATES OF AMERICA</b>	>	
	>	<b>DOCKET NUMBER</b>
<b>VS.</b>	>	<b>21-MJ-135</b>
	>	
<b>JUSTIN MCAULIFFE,</b>	>	

**JOINT MOTION OF CONTINUANCE**

Defendant, Justin McAuliffe, by and through its undersigned, states the following in support of this Motion:

1. This matter is scheduled for Preliminary Hearing on September 7, 2021 at 3:30 PM.
2. The Defendant was recently injured in a vehicular accident on August 13, 2021, which resulted in his hospitalization. He broke his clavicle and elbow, and underwent surgery on both on August 17. He is now discharged from the hospital but continues to be in pain and is home recovering. Please find pages 1 through 8 of his 52 page Summary of Care (annexed hereto as Exhibit A).
3. Defense Counsel and the Government were in near-final plea negotiations prior to the Defendant's accident.
4. The Defendant is released on bond and has been fully compliant with all conditions.
5. The Defendant and the Government jointly move for a continuance of this matter until Mr. McAuliffe recovers from his injuries.

6. The parties ask this the matter be set down for a plea hearing, to be scheduled on a day the week of October 18th convenient to the Court.

7. The Defendant waives speedy trial rights for the requested continuance period.

WHEREFORE, it is respectfully requested that this Honorable Court enter the proposed Consented to Order.

Respectfully submitted,

**COLLINS GANN McCLOSKEY &  
BARRY**

By: /s/ Rick Collins  
Richard D. Collins, Esq.  
138 Mineola Blvd.  
Mineola, NY 11501  
Email: rcollins@cgmbesq.com

CERTIFICATE OF SERVICE

I, Richard D. Collins, do hereby certify that the foregoing Motion of Continuance and Order were filed on the below date with the Court's electronic filing system and thereby served upon all counsel of record.

Date: August 27, 2021

/s/ Richard D. Collins  
Richard D. Collins

# Justin McAuliffe

Summary of Care, generated on Aug. 26, 2021

## Patient Demographics - Male; born Sep. 05, 1981

Patient Address	Communication	Language	Race / Ethnicity	Marital Status
2645 Martin Ave (Home) BELLMORE, NY 11710	516-841-3499 (Home) 516-841-3499 (Mobile) 516-972-7889 (Mobile)	English (Preferred)	White / Unknown	Married

Former (Aug. 14, 2021 - Aug. 13, 2021):  
(Home)  
jsmcauliffe@gmail.com

## Note from NYU Langone Health System

This document contains information that was shared with Justin McAuliffe. It may not contain the entire record from NYU Langone Health System.

## Reason for Visit

Reason	Procedure

Auth/Cert Specialty	Diagnoses / Procedures	Referred By Contact	Referred To Contact
		Patel, Meelan, MD 1300 Franklin Avenue Suite UL-3A GARDEN CITY, NY 11530 Phone: 516-747-8900 Fax: 516-663-3015	Li Nw 1 Emergency Dept 259 First Street Mineola, NY 11501-3957 Phone: 516-663-2211 Fax: 516-663-9548

Referral ID	Status	Reason	Start Date	Expiration Date	Visits Requested	Visits Authorized
20064410					1	1

## Encounter Details

Date	Type	Department	Care Team
08/16/2021 - 08/19/2021	Hospital Encounter	NYU Langone Hospital Long Island - North Pavilion 3800 259 First Street Mineola, NY 11501-3957 516-663-2265	<b>Sullivan, Kathleen, DO</b> 259 1st St NYU Dept of Emergency Medicine Mineola, NY 11501 516-663-2829 (Work) 516-663-8733 (Fax)  <b>Patel, Meelan, MD</b> 1300 Franklin Avenue Suite UL-3A GARDEN CITY, NY 11530 516-747-8900 (Work) 516-663-3015 (Fax)

**Allergies** - documented as of this encounter (statuses as of 08/26/2021)  
No known active allergies

## Medications - documented as of this encounter (statuses as of 08/26/2021)

Medication	Sig	Dispensed	Start Date	End Date	Status
ibuprofen (ADVIL;MOTRIN) 600 mg tablet	Take 1 tablet by mouth every 6 hours as needed for Mild pain (1-3) or Moderate pain (4-6) for up to 30 doses.	30 tablet	08/14/2021		Active
oxyCODONE-acetaminophen (PERCOCET) 5-325 mg per tablet	Take 1 tablet by mouth every 4 hours as needed for Severe pain (7-10) for up to 10 doses. Max Daily Amount: 6 tablets	10 tablet	08/14/2021	08/17/2021	Discontinued (Stop Taking at Discharge)
oxyCODONE-acetaminophen (PERCOCET) 2.5-325 mg per tablet	Take 1 tablet by mouth every 6 hours as needed for Severe pain (7-10) for up to 30 doses. Max Daily Amount: 4 tablets	20 tablet	08/17/2021	08/17/2021	Discontinued (Stop Taking at Discharge)
ibuprofen (ADVIL;MOTRIN) 600 mg tablet	Take 1 tablet by mouth every 6 hours.	60 tablet	08/17/2021	08/19/2021	Discontinued (Stop Taking at Discharge)
oxyCODONE-acetaminophen (PERCOCET) 5-325 mg per tablet	Take 1 tablet by mouth every 6 hours as needed for Severe pain (7-10) for up to 7 days. Max Daily Amount: 4 tablets	28 tablet	08/17/2021	08/24/2021	Expired
methocarbamol (ROBAXIN) 750 mg tablet	Take 1 tablet by mouth every 8 hours for 7 days.	21 tablet	08/17/2021	08/24/2021	Expired
pregabalin (LYRICA) 50 mg capsule	Take 1 capsule by mouth every 8 hours for 3 days. Max Daily Amount: 150 mg	9 capsule	08/17/2021	08/20/2021	Expired

## Active Problems - documented as of this encounter (statuses as of 08/26/2021)

Problem	Noted Date
S/P ORIF (open reduction internal fixation) fracture	08/17/2021

## Resolved Problems - documented as of this encounter (statuses as of 08/26/2021)

Problem	Noted Date	Resolved Date
Closed displaced fracture of shaft of right clavicle	08/16/2021	08/17/2021
Closed displaced fracture of head of right radius	08/16/2021	08/17/2021

Social History - documented as of this encounter			
Tobacco Use	Types	Packs/Day	Years Used
Never Smoker			
Smokeless Tobacco: Never Used			
Alcohol Use	Standard Drinks/Week		
Never	0 (1 standard drink = 0.6 oz pure alcohol)		
Alcohol Habits	Answer	Date Recorded	
How often do you have a drink containing alcohol?	Never	08/16/2021	
How many drinks containing alcohol do you have on a typical day when you are drinking?	Not asked		
How often do you have six or more drinks on one occasion?	Not asked		

Last Filed Vital Signs - documented in this encounter			
Vital Sign	Reading	Time Taken	Comments
Blood Pressure	122/76	08/19/2021 8:52 AM EDT	
Pulse	83	08/19/2021 8:52 AM EDT	
Temperature	36.9 °C (98.4 °F)	08/19/2021 8:52 AM EDT	
Respiratory Rate	18	08/18/2021 9:05 PM EDT	
Oxygen Saturation	96%	08/18/2021 10:20 PM EDT	
Inhaled Oxygen Concentration	-	-	
Weight	68 kg (150 lb)	08/16/2021 2:15 PM EDT	
Height	175.3 cm (5' 9")	08/16/2021 2:15 PM EDT	
Body Mass Index	22.15	08/16/2021 2:15 PM EDT	

## Discharge Summaries - documented in this encounter

Adrian Arredondo, PA - 08/19/2021 7:19 AM EDT

Formatting of this note is different from the original.

### DISCHARGE NARRATIVE

Admit date: 8/16/2021

Admit Source: Home, Work, or Other Non-Healthcare Location [50]

Expected Discharge date: 8/17/2021

Admitting Physician: Meelan Patel, MD

Attending Authorizing Discharge: Dr. Meelan Patel

Admission Diagnoses: Right Clavicle and right radial head fracture

Discharge Diagnoses/Hospital Problems:

Principal Problem:

S/P ORIF (open reduction internal fixation) fracture

Resolved Problems:

Closed displaced fracture of shaft of right clavicle

Closed displaced fracture of head of right radius

Other Comorbidities Impacting this Admission:

Admission Condition: good

Indication for Admission: Right clavicle and right radial head fractures

History of Present Illness:

Patient is a 39 year old male presenting with right clavicle fracture and right radial head fracture. After obtaining medical consent and reviewing treatment options, patient underwent a Right clavicle ORIF & Right radial head ORIF, performed by Dr. Patel on 08/17/2021.

History reviewed. No pertinent past medical history.

Past Surgical History:

Procedure Laterality Date

• CLAVICLE SURGERY Right 8/17/2021

REDUCTION OPEN FIXATION INTERNAL CLAVICLE performed by Meelan Patel, MD at NYU LANGONE LONG ISLAND OR 4TH FLOOR

• ELBOW SURGERY Right 8/17/2021

ORIF Radial Head performed by Meelan Patel, MD at NYU LANGONE LONG ISLAND OR 4TH FLOOR

No Known Allergies

Hospital Course:

Patient is a 39 year old male presenting with right clavicle fracture and right radial head fracture. After obtaining medical consent and reviewing treatment options, patient underwent a Right clavicle ORIF & Right radial head ORIF, performed by Dr. Patel on 08/17/2021. Patient tolerated the procedure well and was without intraoperative complication. Patient was brought into the PACU in stable condition with sling, posterior splint/Aquacel dressing a for post operative monitoring and management. Patient was made Non- weight bearing, placed on appropriate course of IV antibiotics (Ancef) and DVT prophylaxis (SCDs). Patient actively participated with physical therapy. Patient was consulted and co-managed by pain management during course of stay, full recommendations in chart. Patient remained HD stable during course of stay and was cleared for discharge to home on POD#2. Patient to F/U with Dr. Patel x 2 weeks for continuation of care, F/U with PMD as scheduled by patient.

## Procedures:

Right clavicle Open reduction internal fixation and Right radial head Open reduction internal fixation

## Relevant Diagnostic Studies:

Xrays

Discharged Condition: good

## Discharge Exam:

General appearance: alert, appears stated age and cooperative

Lungs: clear to auscultation bilaterally; no wheezes, rales or rhonchi

Heart: regular rate and rhythm, S1, S2 normal, no murmur, click, rub or gallop

Abdomen: soft, non-tender, nondistended, bowel sounds normal, no masses, no organomegaly

Extremities: extremities normal, atraumatic, no cyanosis or edema

## Upper Extremity:

- Right UE
- Aquacel dressing in place over clavicle: clean, dry intact
- Splint c/d/i
- 5/5 AIN/PIN/IO
- SILT M/R/U/MUSC/AXILLARY
- Digits warm and mobile
- Sling in place

Disposition: Home/ Self Care

## Signed:

Adrian Arredondo

8/19/2021

7:20 AM

Electronically signed by Meelan Patel, MD at 08/19/2021 8:12 AM EDT

Allison L Ariniello, MD - 08/17/2021 12:15 PM EDT

Formatting of this note might be different from the original.

## DISCHARGE NARRATIVE

Admit date: 8/16/2021

Admit Source: Home, Work, or Other Non-Healthcare Location [50]

Expected Discharge date: 8/17/2021

Admitting Physician: Meelan Patel, MD

Attending Authorizing Discharge: Dr. Patel

Admission Diagnoses: R clavicle and R radial head fracture

## Discharge Diagnoses/Hospital Problems:

## Active Problems:

Closed displaced fracture of shaft of right clavicle

Closed displaced fracture of head of right radius

## Resolved Problems:

\* No resolved hospital problems. \*

Other Comorbidities Impacting this Admission:

Admission Condition: stable

Indication for Admission: R clavicle and R radial head fracture

History of Present Illness:

39M who has a R clavicle and R radial head fracture s/p ATV crash who is POD0 s/p R radial head ORIF and R clavicle ORIF.

History reviewed. No pertinent past medical history.

History reviewed. No pertinent surgical history.

No Known Allergies

Hospital Course:

Patient is a 39 year old male presenting with right clavicle fracture and right radial head fracture. After obtaining medical consent and reviewing treatment options, patient underwent a \_\_\_ with Dr. Patel on 8/17/21. Patient tolerated the procedure well and was without intraoperative complication. Patient was brought into the PACU in stable condition with \_\_\_ dressing a for post operative monitoring and management. Patient was made weight bearing as tolerated, placed on appropriate course of IV antibiotics (\_\_\_) and DVT prophylaxis (\_\_\_). Patient actively participated with physical therapy.

Patient remained HD stable during course of stay and was cleared for discharge to \_\_\_ on POD# \_\_\_\_. Patient to F/U with Dr. Patel x 2 weeks for continuation of care, F/U with PMD as scheduled by patient. Patient discharged on \_\_\_ for DVT prophylaxis.

Procedures:

R radial head ORIF and R clavicle ORIF

Relevant Diagnostic Studies:

xrays

Discharged Condition: stable

Discharge Exam:

General appearance: alert, appears stated age and cooperative

Extremities: RUE: posterior splint intact with sling, AIN/PIN/IO intact, radial/ulnar/median n sensory distribution intact, cap refill <2secs

Disposition: Home/ Self Care

Signed:

Allison L Ariniello, MD

8/17/2021

12:15 PM

Electronically signed by Meelan Patel, MD at 08/18/2021 7:41 AM EDT

## Discharge Instructions - documented in this encounter

Discharge Instr - AVS First Page

Adrian Arredondo, PA - 08/17/2021 9:56 PM EDT

Formatting of this note is different from the original.

Weight bearing status: Non- weight bearing of RUE. Sling on at all times. Perform AROM of the wrist, hand and fingers as often as possible. KEEP SPLINT CLEAN, DRY AND INTACT - DO NOT REMOVE - DO NOT SHOWER WITH SPLINT

Dressing Instructions: Incision care

Aquacel dressing in place with Prineo tape under dressing. If dry leave aquacel in place until post op visit in 10-14 days. You may shower with Aquacel in place.

If Aquacel is saturated gently remove Aquacel, be sure not to pull of the Prineo tape under the Aquacel. Reapply dry sterile telfa and tegaderm and change as needed.

When showering carefully let water gently run over the dressing. Gently pat dry. Do not rub incision, or apply creams or lotion. NO soaking in bathtub, hot tub or swimming pool.

ACE bandage may be applied and removed as needed for swelling. Start at ankle and apply upwards to mid thigh.

Prevent infection by washing your hands often.

Don't soak your wound in water until your doctor says it's OK. This means no hot tubs, bathtubs, or swimming pools.

Electronically signed by Adrian Arredondo, PA at 08/19/2021 9:55 AM EDT

## Medications at Time of Discharge - documented as of this encounter

Medication	Sig	Dispensed	Start Date	End Date
ibuprofen (ADVIL;MOTRIN) 600 mg tablet	Take 1 tablet by mouth every 6 hours as needed for Mild pain (1-3) or Moderate pain (4-6) for up to 30 doses.	30 tablet	08/14/2021	
methocarbamol (ROBAXIN) 750 mg tablet	Take 1 tablet by mouth every 8 hours for 7 days.	21 tablet	08/17/2021	08/24/2021
oxyCODONE- acetaminophen (PERCOCET) 5-325 mg per tablet	Take 1 tablet by mouth every 6 hours as needed for Severe pain (7-10) for up to 7 days. Max Daily Amount: 4 tablets	28 tablet	08/17/2021	08/24/2021
pregabalin (LYRICA) 50 mg capsule	Take 1 capsule by mouth every 8 hours for 3 days. Max Daily Amount: 150 mg	9 capsule	08/17/2021	08/20/2021

## Ordered Prescriptions - documented in this encounter

Prescription	Sig	Dispensed	Start Date	End Date
pregabalin (LYRICA) 50 mg capsule	Take 1 capsule by mouth every 8 hours for 3 days. Max Daily Amount: 150 mg	9 capsule	08/17/2021	08/20/2021
methocarbamol (ROBAXIN) 750 mg tablet	Take 1 tablet by mouth every 8 hours for 7 days.	21 tablet	08/17/2021	08/24/2021
oxyCODONE-acetaminophen (PERCOCET) 5-325 mg per tablet	Take 1 tablet by mouth every 6 hours as needed for Severe pain (7-10) for up to 7 days. Max Daily Amount: 4 tablets	28 tablet	08/17/2021	08/24/2021
ibuprofen (ADVIL;MOTRIN) 600 mg tablet	Take 1 tablet by mouth every 6 hours.	60 tablet	08/17/2021	08/19/2021
oxyCODONE-acetaminophen (PERCOCET) 2.5-325 mg per tablet	Take 1 tablet by mouth every 6 hours as needed for Severe pain (7-10) for up to 30 doses. Max Daily Amount: 4 tablets	20 tablet	08/17/2021	08/17/2021