

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

UNITED STATES OF AMERICA

v.

JARED KASTNER, ET AL.,

Defendants.

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: CASE NO. 21-CR- 725 (RDM)

JOINT STATUS REPORT

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and defendants Jared Kastner, Luke Faulkner, and Kenneth Massie, by and through their attorneys, Nathan I. Silver, Kira Anne West, and Stephen Brennwald, respectively, now submit this joint status report, requested by the Court on June 21, 2022.

1. In the last joint status report, the government discussed the state of global discovery and case-specific discovery in this matter. Since then, case-specific discovery was produced via USAfx on July 29, 2022, to Ms. West, and on August 15, 2022, to Mr. Brennwald. At this point, all case-specific discovery has been produced to the defense. The government is prepared to share any case-specific discovery again upon request of counsel.
2. The government has made all global productions available on the defense instances of Relativity and Evidence.com. Global productions were made on June 29, 2022, and July 15, 2022. At this juncture, approximately 1,880,698 files have been provided to the defense Relativity database. Among other things, these documents include approximately 208 digitally recorded interviews; 1,011 FBI FD-302s; 61,301 tips; and the results of searches of 490 digital devices and 98 Store Communications Act

accounts. Over 24,000 files have been produced to the defense Evidence.com video repositories. Corresponding indexes have been made available via USAfx.

3. The government expects to make additional global productions, which should include, *inter alia*, the scoped results of search warrants conducted on other Capitol riot defendant's electronic devices and social media accounts, recorded custodial interviews of Capitol riot defendants, and additional materials in the custody and control of the FBI that may be relevant to the defendants.
4. On May 23, 2022, plea offers were made to all defendants and delivered via email to counsel. The government is engaged in productive plea discussions with the defense and expects those discussions to continue.
5. Ms. West has communicated to the government that Mr. Faulkner intends to accept the government's plea offer.
6. Mr. Brennwald and Mr. Silver have requested an additional 30 days to review discovery with defendants Mr. Massie and Mr. Kastner, respectively, and to discuss the government's plea offer.
7. The government has agreed to hold open the plea offer until the next status conference to allow counsel to confer with the defendants.
8. Given the discovery recently produced, continued production of global discovery, and productive plea discussions, the parties ask for an additional 30 days to work toward a resolution in this matter.
9. The most recent status conference in this matter was held on February 18, 2022. Therefore, the parties ask for the Court to schedule a status conference on or after

September 29. If the parties reach a decision regarding the disposition of this matter prior to that date, the parties will notify the Court before the date of the next hearing.

10. The parties are in agreement that, due to plea negotiations, the ends of justice would be served by exclusion of time under the Speedy Trial Act until the proposed next status hearing before this Court on or after September 29. The defendants waive their rights under the Speedy Trial Act and agree to the exclusion of time for the period from today's status report through the date of the next status conference.

Respectfully submitted,

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