

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

PATRICK MONTGOMERY,
BRADY KNOWLTON, and
GARY WILSON

Defendants

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Case No. 21-CR-00046-RDM

DEFENDANTS' JOINT MOTION TO EXTEND
DEADLINE TO FILE MOTIONS & NOTICES

TO THE HONORABLE RANDOLPH D. MOSS, UNITED STATES DISTRICT
JUDGE FOR THE DISTRICT OF COLUMBIA:

PATRICK MONTGOMERY, BRADY KNOWLTON, and GARY WILSON, the
Defendants in the above styled and numbered cause, by and through their respective,
undersigned counsel, respectfully request this Court extend the deadlines to file mo-
tions, responses, and notices. In support thereof, the Defendants would show the fol-
lowing.

1. On August 2, 2022, the parties submitted their Proposed Joint Scheduling Order
with various deadlines governing pretrial proceedings. ECF Dkt. 112. More spe-
cifically, the following deadlines were proposed:

- Any motions filed pursuant to Federal Rule of Criminal Procedure 12(b)(3)
were to be filed on or before October 12, 2022.
- Oppositions to any such motions were to be filed on or before October 26,
2022.

- Replies to any such oppositions were to be filed on or before November 2, 2022.
 - The Government was to provide its notice to introduce any evidence under Federal Rule of Evidence 404(b) not already provided on or before November 14, 2022.
 - The Government was to present grand jury and Jencks Acts disclosures as to each witness it expects to call in its case-in-chief on or before November 28, 2022.
 - The parties were to file a Joint Pretrial Statement on or before November 21, 2022
2. As stated therein, however, that proposed order “relate[d] to a trial date of December 12, 2022.” *Id.* at 1.
 3. At a scheduling conference on August 26, 2022, this Court vacated the trial date of December 12, 2022 and rescheduled the trial in this case to April 13, 2023. Minute Entry of 8/26/2022. This Court’s minute entry, however, left the deadlines in place for all the above-referenced filings except for the Joint Pretrial Statement (now due February 16, 2023). *Id.*
 4. The Defendants respectfully request the Court extend the deadlines to file the above-referenced items for multiple reasons. First, as the Court is aware, the Government continues to provide “global discovery” to the Defendants that include materials collected as part of their investigation into the events surrounding January 6 and the alleged actions at the United States Capitol. As this discovery is

received and reviewed, the potential for such evidence giving rise to certain motions exists. Second, in the Third Superseding Indictment filed on August 19, 2022, Mr. Wilson was added as a Defendant to this indictment for the first time. Counsel for all the Defendants require additional time to evaluate the addition of Mr. Wilson to this case, his impact on each other's case, and whether any motions related to him need to be made. Third, several issues that Defendants are considering raising are being addressed by other jurists in this district. The Defendants believe it is more prudent to see how those issues are resolved in other courts before asking this Court to weigh in on a particular issue.

5. With a trial date scheduled more than six months away, for the above-stated reasons, the Defendants jointly believe that extending the deadlines is appropriate and necessary.
6. Counsel for Defendant conferred with the counsel for the Government concerning this motion. While counsel for the Government indicated that they would be "happy to work with [counsel] if [we] need more time for a specific motion," they believe a "case-by-case approach would seem to make more sense in that context" and are "not inclined to seek revision of the schedule for dispositive motions."
7. Rather than take such an approach, which allows the Government to weigh in on a Defendant's motion before it is filed with the Court and object based on its timeliness, the Defendants believe it better serves their valuable Constitutional rights to due process and effective representation of counsel to have the deadlines extended at this time.

8. Accordingly, the Defendants propose new deadlines as follows:

- Any motions filed pursuant to Federal Rule of Criminal Procedure 12(b)(3) are to be filed on or before January 19, 2023.
- Oppositions to any such motions are to be filed on or before February 2, 2023.
- Replies to any such oppositions are to be filed on or before February 9, 2023.
- The Government is to provide its notice to introduce any evidence under Rule of Evidence 404(b) not already provided on or before March 14, 2023.
- The Government is to present grand jury and Jencks Acts disclosures as to each witness it expects to call in its case-in-chief on or before March 30, 2023.

WHEREFORE, PREMISES CONSIDERED, the Defendants respectfully request this Court grant their motion and extend the deadlines for pretrial filings as proposed.

Date: October 10, 2022

Respectfully Submitted,

LEVIN & ASSOCIATES, PLLC

by: /s/ Duncan Levin

DUNCAN LEVIN

Appearing pro hac vice
dlevin@levinpllc.com

44 Court Street, Suite 905
Brooklyn, New York 11201
212-330-7626

*Attorney for Defendant,
Patrick Montgomery*

RONALD SULLIVAN LAW, PLLC

by: /s/ Ronald S. Sullivan Jr.
RONALD S. SULLIVAN JR.
D.C.D.C. Bar ID 451518
rsullivan@ronaldsullivanlaw.com

1300 I Street NW
Suite 400 E
Washington, DC 2005
Telephone: (202) 935-4347
Fax: (617) 496-2277

MAYR LAW, P.C.

by: /s/ T. Brent Mayr
T. BRENT MAYR
D.C.D.C. Bar ID TX0206
bmayr@mayr-law.com

5300 Memorial Dr., Suite 750
Houston, TX 77007
Telephone: 713-808-9613
Fax: 713-808-9613

WAGNER PLLC

by: /s/ Camille Wagner
CAMILLE WAGNER
DC Bar No. 1695930
law@myattorneywagner.com

1629 K Street NW, Suite 300
Washington, DC 20006
202-630-8812

*Attorneys for Defendant,
Brady Knowlton*

PETER COOPER LAW

by: /s/ Peter A. Cooper
PETER A. COOPER
D.C.D.C. Bar ID 478082
pcooper@petercooperlaw.com

400 5th Street, NW
Suite 350
Washington, DC 20001
Telephone: (202) 400-1434
Fax: (202) 600-2822

*Attorney for Defendant,
Gary Wilson*

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this motion was sent to Counsel for the Government, Karen Rochlin and James Peterson on October 10, 2022, via CM/ECF and email.

/s/ T. Brent Mayr
T. BRENT MAYR