

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal No. 21-cr-40-TNM
	:	
PATRICK MCCAUGHEY, et al.	:	
	:	
Defendant.	:	Pre-Trial Conference: July 22, 2022

MOTION TO ENLARGE TIME OF FILING

The United States of America, by and through its attorney, respectfully moves the Court for a brief enlargement of time in which to file a response to defendant Patrick McCaughey’s “Motion to Dismiss Count Thirty-Four,” [ECF No. 259], for the purpose of consolidating its response to defendant McCaughey’s motion with its response to related motions filed by other codefendants in this case. This is a nine-codefendant case which has been separated into two groups for trial purposes. “Group 1” includes defendants Patrick McCaughey, Tristan Stevens, Robert Morss, and David Mehaffie; trial for this group is scheduled to begin on August 29, 2022. “Group 2” includes defendants David Judd, Christopher Quaglin, Geoffrey Sills, Federico Klein, and Steven Cappuccio; trial is scheduled to begin for this second group on October 3, 2022. The United States seeks a brief enlargement of time, to May 27, 2022, in which to respond.

In support of this motion, the United States submits that on April 22, 2022, the Court orally granted the government’s motion to enter a pretrial scheduling order. [ECF No. 232]. Under the terms of that order, the United States was to respond to Rule 12 motions filed by defendants in trial “Group 1” by May 13, 2022, and to Rule 12 motions filed by defendants in trial “Group 2” by May 27, 2022. On April 16, 2022, defendant McCaughey filed a motion to dismiss Count Thirty-Four of the Fifth Superseding Indictment, in which each of the nine codefendants is charged

with a single count of Obstruction of an Official Proceeding and Aiding and Abetting, in violation of 18 U.S.C. §§ 1512(c)(2) and 2. [ECF No. 259]. Defendant McCaughey is in trial “Group 1.” Similarly, on April 14, 2022, codefendant Cappuccio filed a “Motion to Dismiss Count Thirty-Four,” [ECF No. 253], and on April 15, 2022, codefendant Judd also filed a “Motion to Dismiss Count Thirty-Four.” [ECF No. 255]. Both defendant Cappuccio and defendant Judd are in trial “Group 2” and the United States’ deadline to respond to those motions is May 27, 2022. In addition, codefendants Stevens, Mehaffie, Morss, and Sills have all joined one or more of the above-listed motions. Further, defendant McCaughey has joined codefendant Judd’s Motion to Dismiss Count Thirty-Four, despite having also independently filed a related motion. [ECF No. 271].

Each of the three motions filed by defendants McCaughey, Cappuccio, and Judd seeks to dismiss the identical count, charging Obstruction of an Official Proceeding. Moreover, the motions contain overlapping and interrelated arguments regarding the propriety of proceeding to trial on that count. As such, the United States seeks to file a single omnibus response to the arguments raised in all three motions on May 27, 2022, the deadline imposed for responses to Group 2 motions. Given that his trial date is not set until August 29, 2022, defendant McCaughey, who is in Group 1, will not be prejudiced by this brief enlargement of time to respond. Further, permitting the United States to file a single response encompassing all arguments on this issue will streamline the Court’s consideration of whether to permit Count 34, which all nine codefendants have been charged with, to go to the jury.

For these reasons, the United States moves for a brief enlargement of time, to May 27, 2022, in which to respond to defendant McCaughey’s Motion to Dismiss Count Thirty-Four. [ECF

No. 259]. The United States anticipates responding to all similar motions, including those from defendants Judd and Cappucio, at that time.

Respectfully submitted,

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