

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :  
 :  
 v. : CASE NO. 21-cr-381 (TSC)  
 :  
 STACY WADE HAGER, :  
 :  
 Defendants. :

**JOINT PROPOSED PRETRIAL SCHEDULING ORDER**

Pursuant to the Court's August 17, 2022, order, the parties jointly submit this Proposed Scheduling Order.

1. **TRIAL.** Trial of this matter will commence on April 3, 2023, at 9:30 a.m., in Courtroom 9.
2. **PRE-TRIAL CONFERENCE.** A pre-trial conference will be held on February 24, 2023, at 10:00 a.m. via videoconference, provided the defendant consents. The Court will rule on all pre-trial motions and objections to proposed exhibits, to the extent possible, at the pre-trial conference, hearing argument as necessary.
3. **PRE-TRIAL AND SUPPRESSION MOTIONS.** Any motions to suppress evidence, and any other pre-trial motions (excluding motions in limine), shall be filed on or before January 13, 2023. Oppositions and replies shall be due with 14 and 7 days, respectively. The Court will schedule a hearing on the motion(s) as necessary.
4. **Fed. R. Evid. 404(b) NOTICE.** Not later than February 6, 2023, the government shall provide notice of evidence it intends to offer pursuant to Fed. R. Evid. 404(b).
5. **MOTIONS IN LIMINE.** All motions in limine shall be filed on, or before, March 6, 2023. Responses shall be filed not later than March 20, 2023, and replies shall be filed not later

than March 27, 2023.

6. **PROPOSED JURY INSTRUCTIONS.** Counsel shall file proposed jury instructions and a proposed verdict form—jointly to the extent possible—on or before March 6, 2023. To the extent that they are pattern jury instructions from the current version of the Redbook, it is sufficient simply to list the numbers of those instructions. Special instructions shall be submitted verbatim with citations to cases and other authorities to support each instruction.

7. **BRADY AND GIGLIO.** The Government is under a continuing and ongoing obligation to provide defense counsel any favorable or exculpatory information (*Brady*) as it becomes available, whether or not admissible in evidence. *Brady* information must be disclosed on a rolling basis - “the duty to disclose is ongoing.” *Pennsylvania v. Ritchie*, 480 U.S. 39, 60 (1987). To the extent it has not already done so, the Government must disclose information that may be useful for impeachment or may otherwise affect the credibility of any Government witness (*Giglio*) – including *Lewis* material – by December 5, 2022. See *United States v. Celis*, 608 F.3d 818, 835–36 (D.C. Cir. 2010). *Giglio* obligations are also ongoing. The Government may request a protective order to preclude counsel from sharing *Giglio* information with their client.

8. **EXPERT WITNESSES.** The parties shall disclose any expert witnesses, accompanied by a brief description of each witness’ area of expertise and expected testimony by February 27, 2023.

9. **EXHIBIT LISTS.** The parties shall exchange lists of exhibits they intend to use in their cases-in-chief by March 6, 2023. The parties shall file objections to the admissibility of exhibits to the extent practicable by March 20, 2023, and replies shall be filed not later than March

27, 2023. All exhibits are to be marked in advance of trial and listed in order on the exhibit form obtained from Courtroom Deputy Clerk. The written list of exhibits must contain a brief description of each exhibit. At the commencement of trial, counsel shall furnish the Court with two sets of binders containing their exhibit lists and copies of their pre-marked exhibits.

10. **WITNESS LISTS.** The parties shall exchange lists of witnesses in their cases-in-chief by March 17, 2023. On that same date, the Government shall also provide to the Defense all *Brady* or *Giglio* material not previously provided pertaining to each witness on the list. Counsel will not be absolutely bound by the witness lists or the sequence. In some cases, security concerns may justify nonidentification of witnesses by the Government until shortly before they are actually called. These situations, if any, shall be brought to the Court's attention in camera when the witness list, excluding those names, is provided to defense counsel.

11. **VOIR DIRE.** Counsel shall jointly submit both a short narrative description of the case, to be read to the prospective jurors, and proposed voir dire questions on or before March 20, 2023.

12. **JURY SELECTION.** Except as already provided herein, the Court will summarize its jury-selection procedures at the pre-trial conference.

Respectfully submitted,

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