

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

NO. 1:21-CR-00301-TJK-1

UNITED STATES OF AMERICA

v.

STEPHEN ETHAN HORN,

Defendant.

**DEFENDANT'S
RESPONSE TO GOVERNMENT'S
MOTION FOR
EXTENSION OF TIME
TO RESPOND TO DEFENDANT'S
MOTION TO DISMISS (D.E. 63)**

The government has filed a motion asking the Court for a one-week extension of time to respond to his motion to dismiss. The government purports to note Defendant Stephen Horn's position in that motion, but Mr. Horn now writes separately to clarify that position.

Government counsel contacted counsel for Defendant Horn on July 19, 2023 to ask for permission to note, in the government's motion filed at D.E. 63, their consent to the government's request for an extension of time to respond to the motion to dismiss. Counsel for Mr. Horn advised that they consent to the government's motion for an extension of time to respond to Horn's motion to dismiss, *subject* to the request that the Court extend and continue all other deadlines and hearing dates set forth in the scheduling order at D.E. 57, including the trial.

At a June 1, 2023, status conference, Mr. Horn requested that this matter be set for trial in February 2024. The government opposed this request and asked for the matter to be scheduled for trial as soon as possible based on the Court's availability. The Court scheduled the matter for trial on September 13, 2023, and set a pretrial motions deadline for July 7, 2023. *See* D.E. 57. Mr. Horn timely filed a pretrial motion to dismiss under Rule 12 on July 7, 2023. *See* D.E. 58.

The investigation, research, and drafting required for preparation of that motion was very

time-consuming and required Mr. Horn's counsel to forgo other professional and personal opportunities. As such and given the government's previous request to fast-track this case towards trial, counsel for Mr. Horn deems it appropriate to only consent to the government's request for more time to respond to Mr. Horn's motion to dismiss if all other deadlines and hearing dates are extended and continued accordingly.¹ Subject to the Court's availability, counsel for Mr. Horn has suggested that the trial could be continued to later in September 2023. If the Court found that amenable, counsel for Mr. Horn would even consent to the government having two extra weeks, rather than just one, to respond to his motion to dismiss.

Respectfully submitted this 21st day of July, 2023.

/s/ Marshall H. Ellis

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¹ Mr. Horn's undersigned counsel from North Carolina previously advised the Court that he will be on pre-planned leave with family the week of September 4–8, 2023.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served upon:

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by electronically filing the foregoing with the Clerk of Court on July 21, 2023, using the CM/ECF system which will send notification of such filing to the above.

This the 21st day of July, 2023.

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