

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

ROBERT GIESWEIN,

Defendant.

Crim. Action No. 21-24-1 (EGS)

UNOPPOSED MOTION TO CONTINUE DEADLINE FOR
MOTIONS AND RESPONSES

The United States of America, through undersigned counsel and on behalf of both parties, hereby requests that the Court modify its March 3, 2022, Minute Order to permit the parties more time to file motions new motions, including motions *in limine*, in advance of the October 24, 2022 trial date. In support of this motion, the government states as follows:

1. At a hearing on January 19, 2022, the Court rescheduled the trial, which it then set to begin on April 20, 2022. In the interim, the Court set deadlines for new motions and responses to pending motions, in anticipation of an April 12, 2022, motions hearing date. *See* Minute Entry dated February 15, 2022. The Court later vacated the April 20 trial date and converted it to a motions hearing date, while also vacating the April 12 motions hearing date. *See* Minute Order dated February 16, 2022. The Court later set jury selection to begin on October 24, 2022, and at the parties' request set a briefing schedule for new motions, with an expectation that

those motions would be heard at a motions hearing on April 20, 2022. *See* Minute Orders dated March 3, 2022.

2. Given that the trial is now scheduled for October 24, the parties submit that scheduling another motions hearing closer to the trial makes sense, especially for motions *in limine*, as the evidence each side is likely to rely on at trial will become more clear as trial approaches and additional discovery, including officewide discovery, is provided.

3. Accordingly, the parties request that the Court keep the April 20 motions hearing date to argue those motions already filed and briefed (including ECF No. 100), and that it set a second motions hearing date during the weeks of September 26, October 3, 2022, or October 10, 2022, at the Court's convenience.

4. The parties thus request that the Court set a briefing schedule whereby motions are due no later than five weeks prior to the motions hearing date, responses to motions are due no later than three weeks prior to the motions hearing date, and any replies are due no later than two weeks prior to the motions hearing date.

5. With respect to ECF No. 100, the parties request that the Court leave in place the current briefing schedule—government response due by March 30, 2022, any reply to be filed by April 6, 2022, and that the Court take argument on the motion on April 20, 2022.

6. Undersigned counsel has provided a copy of this motion and the attached proposed order to Ann Mason Rigby and Elizabeth Mullin, counsel for Mr. Gieswein, and counsel for Mr. Gieswein has indicated that undersigned counsel may file this request unopposed.

Respectfully submitted,

MATTHEW M. GRAVES
United States Attorney
D.C. Bar No. 481052

By: /s/ Erik M. Kenerson
ERIK M. KENERSON
Ohio Bar No. 82960
JASON B.A. MCCULLOUGH
D.C. Bar No. 998006
Assistant United States Attorneys
555 4th Street, N.W.
Washington, D.C. 20530
(202) 252-7233 // jason.mccullough2@usdoj.gov
(202) 252-7201 // Erik.Kenerson@usdoj.gov