

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

UNITED STATES OF AMERICA :
 :
 v. : **Case No. 21-CR-46-RDM**
 :
 PATRICK MONTGOMERY and :
 BRADY KNOWLTON, :
 :
 Defendant. :

PROPOSED JOINT SCHEDULING ORDER

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully files the following proposed joint scheduling order. Subject to their demand for a speedy trial and not foregoing or waiving any objections necessary to preserve that right, counsel for defendant Brady Knowlton, Ronald Sullivan, Brent Mayr, and Camille Wagner, consent to the filing of this proposed joint scheduling order. Counsel for defendant Patrick Montgomery, Duncan Levin, objects to the filing of this proposed joint scheduling order and objects to setting a trial date before he has received all the discovery in this case.

This order relates to a trial date of December 12, 2022. If the Court reschedules the trial for October 3, 2022, the parties will submit a new proposed order in accordance with the new date.

Trial is set to commence in this matter on **December 12, 2022, at 9:30 a.m.** The following deadlines shall govern pre-trial proceedings:

1. The parties shall file any motion pursuant to Federal Rule of Criminal Procedure 12(b)(3) on or before **October 12, 2022**; oppositions shall be filed on or before **October 26, 2022**; and replies shall be filed on or before **November 2, 2022**.

2. The United States shall notify Defendants of its intention to introduce any Rule 404(b) evidence not already disclosed on or before **November 14, 2022**.
3. The United States should endeavor to make grand jury and Jencks Act disclosures as to each witness it expects to call in its case-in-chief on or before **November 28, 2022**.
4. On or before **November 21, 2022**, counsel shall file a Joint Pretrial Statement that contains the following:
 - a. A neutral statement of the case. The parties shall include a neutral statement of the case for the court to read to prospective jurors.
 - b. Proposed Jury Instructions. The parties shall submit a list of all standard jury instructions from the “Red Book” (*Criminal Jury Instructions for D.C.* (Barbara A. Bergman ed., May 2016 ed.)) that they wish to include in the final instructions. The parties need not submit the full text of any standard jury instruction but should provide the full text of (1) any modified standard jury instruction, with the proposed modification(s) redlined, and (2) any non-standard jury instruction they wish to have the court include. As to each non-standard jury instruction, the sponsoring party should cite legal authority for the proposed instruction, and the non-sponsoring party should state any objection to the instruction, including any proposed modifications.
 - c. List of witnesses. Subject to defendant Brady Knowlton’s objection based on the Sixth Amendment to the United States Constitution, the parties shall identify the witnesses that each side anticipates it may call in its case-in-chief. Only upon leave of court and a showing of good cause will a party be permitted to withhold a witness’ identity.

- d. Exhibit Lists. The parties shall include an exhibit list that each side anticipates it may introduce in its case-in-chief. The parties need not list any exhibit that might be used for purposes of impeachment. The parties must exchange pre-marked exhibits but need not provide the exhibits to the Court. The parties must be prepared to raise objections to any proposed exhibit at the Pretrial Conference. The objecting party shall bring three copies of any contested exhibit to the Pretrial Conference.
 - e. Stipulations. The parties shall submit a draft of all stipulations.
 - f. Proposed verdict form. The parties shall include a draft verdict form, including any special interrogatories. The draft verdict form should include a date and signature line for the jury foreperson.
- 5. Counsel shall appear on **November 16, 2022, at 2:00 p.m.**, for a hearing on Rule 12 pretrial motions.
 - 6. Counsel shall appear on **November 30, 2022, at 2:00 p.m.**, for a Pretrial Conference.¹

WHEREFORE, the parties request the Court accept this proposed scheduling order.

Respectfully submitted,

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¹ This hearing has already been scheduled.

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