

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 21-0507 (PLF)
)	
STEPHANIE MARYLOU BAEZ,)	
)	
Defendant.)	
_____)	

AMENDED SCHEDULING ORDER

On June 9, 2022, at defendant Stephanie Baez’s request, the Court scheduled a four-day bench trial in this case, to begin on November 29, 2022. See June 9, 2022 Minute Entry. On August 5, 2022, the Court issued a scheduling order that set forth proposed dates for a status conference, the final pretrial conference, the filing of pretrial motions, the exchange of exhibit lists and witness lists, the disclosure of expert witnesses, and the final disclosure of Brady and Rule 404(b) evidence. See Scheduling Order [Dkt. No. 26]. On September 28, 2022, Ms. Baez filed a motion to continue trial, requesting that the Court reschedule the trial due to the need for a medical procedure. See Motion to Continue Trial Due to Medical Condition [Dkt. No. 33]. On October 3, 2022, Ms. Baez filed a motion to vacate the November 29, 2022 trial date and continue trial until April 3, 2023. See Motion to Vacate Trial Date and Continue Trial [Dkt. No. 34]. On October 7, 2022, the Court granted Ms. Baez’s motion to continue trial and motion to vacate the November 29, 2022 trial date. See October 7, 2022 Minute Order. After further conferring with the parties, the Court rescheduled the trial date to May 8, 2023 and tolled the Speedy Trial Act through the trial date. See October 17, 2022 Minute Order.

On October 21, 2022, the parties jointly submitted a proposed amended scheduling order. See Joint Proposed Scheduling Order [Dkt. No. 35]. After careful consideration of the parties' proposed scheduling order, the Court adopts some aspects of the parties' joint proposed schedule but is unable to accommodate others. Accordingly, it is hereby

ORDERED that the proceedings in this case shall be governed by the following schedule:

1. TRIAL. A bench trial in this matter will commence with opening statements on May 8, 2023, at 10:00 a.m. in Courtroom 29 in the William B. Bryant Annex to the E. Barrett Prettyman Courthouse at 333 Constitution Avenue N.W., Washington, D.C. 20001, and will continue each weekday at 10:00 a.m. until concluded.
2. STATUS CONFERENCE. A status conference will be held on November 18, 2022, at 9:15 a.m. via Zoom videoconference.
3. FINAL PRETRIAL CONFERENCE. The final pretrial conference will be held on April 26, 2023, at 9:15 a.m. via Zoom videoconference. The Court will rule on any objections to proposed exhibits, see infra ¶ 9, to the extent possible at the pretrial conference, hearing argument as necessary.
4. PRETRIAL MOTIONS. The Court will hear oral argument on Ms. Baez's Motion to Dismiss Count 2 or 3 on Multiplicity Grounds [Dkt. No. 27] and Motion to Dismiss Case on First Amendment Grounds [Dkt. No. 28] on December 1, 2022, at 10:00 a.m. via Zoom videoconference.
5. EXPERT WITNESSES. The parties shall disclose any expert witnesses accompanied by a brief description of each witness's area of expertise and expected testimony on or before March 3, 2023.

6. MOTIONS IN LIMINE AND DAUBERT MOTIONS. Any motions in limine and Daubert motions shall be filed on or before March 17, 2023. Oppositions to any such motions shall be filed on or before March 31, 2023, and any replies in support of such motions shall be filed on or before April 5, 2023. The Court will hear any argument on any motions in limine and Daubert motions on April 14, 2023, at 10:00 a.m. If witness testimony will be required to resolve any Daubert motions, the Court will convene an in-person or hybrid hearing. Otherwise, the Court will convene via Zoom videoconference.

7. RULE 404(B) NOTICE. The United States shall provide notice to Ms. Baez of any evidence it intends to offer pursuant to Rule 404(b) of the Federal Rules of Evidence on or before March 31, 2023.

8. BRADY AND GIGLIO EVIDENCE. The United States is under a continuing and ongoing obligation to provide defense counsel any favorable or exculpatory information (Brady) as it becomes available, whether it is admissible or not. Brady information must be disclosed on a rolling basis as “the duty to disclose is ongoing.” Pennsylvania v. Ritchie, 480 U.S. 39, 60 (1987); see also United States v. Safavian, 233 F.R.D. 12, 16 (D.D.C. 2005) (“[T]he government must always produce any potentially exculpatory or otherwise favorable evidence without regard to how the withholding of such evidence might be viewed – with the benefit of hindsight – as affecting the outcome of trial.”). In addition, to the extent it has not already done so, the United States must disclose information that may be useful for impeachment or may otherwise affect the credibility of any government witness (Giglio) – including Lewis material – on or before April 24, 2023. See United States v. Celis, 608 F.3d 818, 835-36 (D.C. Cir. 2010). Giglio obligations are also ongoing. The United States may request a protective order to preclude defense counsel from sharing Giglio information with Ms. Baez or others.

9. EXHIBIT LISTS. The parties shall exchange lists of exhibits they intend to use in their cases-in-chief on or before April 7, 2023. The written exhibit lists must contain a brief description of each exhibit. The parties shall file any objections to the admissibility of exhibits, to the extent practicable, on or before April 12, 2023. All exhibits are to be marked in advance of trial and listed in order on the exhibit form obtained from the Courtroom Deputy Clerk. On or before May 1, 2023, counsel shall furnish opposing counsel with a copy of their pre-marked exhibits and shall deliver to the Court 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 intended to be called in their cases-in-chief on or before April 24, 2023. On that date, the United States shall also provide to Ms. Baez all Brady or Giglio material not previously disclosed pertaining to each witness on its witness list. Counsel will not be limited to calling only those witnesses listed and will not be required to call their witnesses in the sequence listed. In some cases, security concerns may justify nonidentification of witnesses by the United States until shortly before they are called to testify. In this situation, the United States will include the number of unidentified witnesses in its witness list and separately identify those witnesses in a filing under seal. Defense counsel shall not publicly disseminate the names of those witnesses.

In summary, this case will proceed pursuant to the following schedule:

Date	Description
November 18, 2022, at 9:15 a.m.	Status Conference. <u>See supra</u> ¶ 2.
December 1, 2022, at 10:00 a.m.	Oral argument on Ms. Baez's two motions to dismiss. <u>See supra</u> ¶ 4.
March 3, 2023	The parties shall disclose any expert witnesses. <u>See supra</u> ¶ 5.
March 17, 2023	The parties shall file any motions <u>in limine</u> and <u>Daubert</u> motions. <u>See supra</u> ¶ 6.
March 31, 2023	<p>The parties shall file oppositions to motions <u>in limine</u> and <u>Daubert</u> motions. <u>See supra</u> ¶ 6.</p> <p>The United States shall provide its Rule 404(b) notice to Ms. Baez. <u>See supra</u> ¶ 7.</p>
April 5, 2023	The parties shall file any replies in support of motions <u>in limine</u> and <u>Daubert</u> motions. <u>See supra</u> ¶ 6.
April 7, 2023	The parties shall exchange exhibit lists. <u>See supra</u> ¶ 9.
April 12, 2023	The parties shall file any objections to the admissibility of exhibits, to the extent practicable. <u>See supra</u> ¶ 9.
April 14, 2023, at 10:00 a.m.	Motions hearing for any motions <u>in limine</u> and <u>Daubert</u> motions. <u>See supra</u> ¶ 6.
April 24, 2023	<p>The parties shall exchange witness lists. <u>See supra</u> ¶ 10.</p> <p>The United States shall provide to Ms. Baez all <u>Brady</u> and <u>Giglio</u> evidence not previously disclosed related to the witnesses on its witness list, as well as any other <u>Brady</u> and <u>Giglio</u> information not previously disclosed. <u>See supra</u> ¶ 8, 10.</p>

April 26, 2023, at 9:15 a.m.	Final Pretrial Conference. <u>See supra</u> ¶ 3.
May 1, 2023	The parties shall furnish opposing counsel with a copy of their pre-marked exhibits and shall deliver to the Court two sets of exhibit lists and pre-marked exhibits. <u>See supra</u> ¶ 9.
May 8, 2023, at 10:00 a.m.	Trial will commence in Courtroom 29 in the William B. Bryant Annex to the E. Barrett Prettyman Courthouse with opening statements and will continue each weekday at 10:00 a.m. until concluded. <u>See supra</u> ¶ 1.

SO ORDERED.


PAUL L. FRIEDMAN
United States District Judge

DATE: 10/28/22