

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

UNITED STATES OF AMERICA

V.

MICHAEL L. BROCK

Defendant

Case No. 21-cr-00500

SCHEDULING ORDER

Trial is set to commence in this matter on October 16, 2023, at 9:00 a.m. Jury selection will take place on October 16, 2023, at 9:00 a.m. Jury selection and the trial will be conducted in accordance with the Continuity of Operations Plan for COVID-19 in effect at the time, and in a Courtroom to be set by further order of the Court. The following deadlines shall govern pretrial proceedings:

1. The Parties shall file their pretrial motions (including motions *in limine*), if any, on or before August 21, 2023; oppositions shall be filed on or before September 4, 2023; and replies shall be filed on or before September 11, 2023.
2. The United States shall notify Defendant of its intention to introduce any Rule 404(b) evidence not already disclosed on or before September 18, 2023.
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 September 25, 2023. Any *Brady* material not already disclosed also must be disclosed by this date.


4. On or before September 25, 2023, 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 voir dire questions. The Parties shall indicate the *voir dire* questions on which they agree; and the *voir dire* questions on which they disagree with specific objections and relevant legal authority notes below each disputed question.
 - c. 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. Berman 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) relined, 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.

- d. List of witnesses. 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's identity.
 - e. 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 should confer with Courtroom Deputy Courtney Lesley about the format of the exhibit list. The Parties should not provide a copy of the exhibits to the Court but must exchange pre-marked exhibits. The Parties must be prepared to raise objections to any proposed exhibit at the Pretrial Conference. The objection party shall bring three copies of any contested exhibit to the Pretrial Conference.
 - f. Stipulations. The Parties shall submit a draft of all stipulations.
 - g. 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. In addition to filing the Joint Pretrial Statement on September 25, 2023,
- the Parties shall transmit, in Word format, an electronic copy of (a) any proposed modification to a standard jury instruction, (b) any non-standard jury instruction, and (c) the verdict form by email to the

Courtroom Deputy Ms. Courtney Lesley at

Courtney_Lesley@dcd.uscourts.gov.

6. Counsel shall appear on October 9, 2023. at 4:00p.m., by video for a hearing on pretrial motions, if necessary.
7. In addition, counsel shall appear on October 11, 2023 at 4:00p.m., for a Pretrial Conference by video.



Carl J. Nichols
United States District Judge