

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

UNITED STATES OF AMERICA :
 :
 v. : **Case No. 1: 21-575 (JDB)**
 :
 DAVID JOHN LESPERANCE, CASEY :
 CUSICK, and JAMES VARNELL :
 CUSICK, JR., :
 :
 Defendants. :

**GOVERNMENT’S UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE ITS
RESPONSE TO THE DEFENDANTS’ MOTION TO DISMISS (ECF NO. 47)**

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, respectfully moves for a seven-day extension of time, until March 3, 2023, to respond to the defendants’ motion to dismiss this case for failure to state a claim (ECF No. 47). As explained below, good cause exists for the seven-day extension requested in this motion.

On January 13, 2023, this Court entered an order setting the following deadlines for pretrial dispositive motions: (i) motions due by 2/3/2023; (ii) responses due by 2/24/2023; and (iii) replies due by 3/6/2023. The court also scheduled trial for June 12, 2023. On February 3, the defendants filed three dispositive motions: (i) a motion to dismiss on First Amendment grounds (ECF No. 45); (ii) a motion to transfer venue (ECF No. 46); and (iii) a motion to dismiss for failure to state a claim (ECF No. 47). The government has worked diligently to prepare responses to these motions and expects to file its responses to the first two motions on the current deadline of February 24, 2023. Due to the press of other professional obligations, however, the undersigned counsel will need additional time to prepare the government’s response to the defendants’ third motion – the motion to dismiss the case for failure to state a claim (ECF No. 47). These competing

professional obligations have included preparation for trial in another criminal case, *United States v. GossJankowski*, No. 1:21-cr-123 (PLF), in which trial is scheduled to begin next week.

I have conferred with John Pierce, counsel for the defendants, regarding this motion. Mr. Pierce has indicated that the defendants do not oppose the seven-day extension sought in this motion.

CONCLUSION

The government respectfully requests that the Court grant this motion to extend the time to respond to the defendants' motion to dismiss the case for failure to state a claim (ECF No. 47) until Friday, March 3, 2023.

February 24, 2023

Respectfully submitted,

MATTHEW M. GRAVES
UNITED STATES ATTORNEY
D.C. Bar No. 481052

By: /s/ Francesco Valentini
Francesco Valentini
D.C. Bar No. 986769
Trial Attorney
United States Department of Justice, Criminal Division
Detailed to the D.C. United States Attorney's Office
601 D Street NW
Washington, D.C. 20530
(202) 598-2337
francesco.valentini@usdoj.gov