

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

UNITED STATES OF AMERICA :
 :
 : **No. 1:21-cr-175 (TJK)**
 v. :
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 :
 ETHAN NORDEAN, et. al., :
 :
 :
 Defendants. :

**GOVERNMENT’S UNOPPOSED MOTION TO CONTINUE DEADLINE FOR FILINGS
REGARDING SCOPE OF CROSS-EXAMINATION**

At a hearing on March 9, 2023, the Court ordered the parties to file any additional briefing on the issue of the scope of Agent Miller’s cross by 5:00 p.m. on March 10, 2023. As the Court knows, the government is in the process of conducting a classification review of the material originally provided to the defense and determining whether any additional messages should be produced pursuant to 18 U.S.C. § 3500. On March 10, 2023, at approximately 1:45 p.m., the government reproduced to the defense the original messages it produced, with any classified or sensitive materials removed, along with a second document that supplies the requested context for the five areas of messages identified by Nordean, which contained only messages from senders other than Agent Miller in the original production. Later today, the government will provide a revised *Jencks* production, culled from the original messages provided to Agent Miller by FBI Headquarters.

Given that posture, the government submits that it would be most beneficial to the Court to allow the parties to digest and reflect on the entirety of these productions before filing the Court’s requested briefing. Accordingly, the government requests that the Court extend the deadline for any briefing regarding the scope of Special Agent Miller’s cross-examination from

5:00 p.m. on March 10, 2023, to 12:00 p.m. on March 12, 2023. Undersigned counsel is cognizant that this leaves the Court with less time to review than it had previously expected, but we believe that giving the Court the benefit of the parties' review of the government's productions will ultimately promote judicial economy.

Undersigned counsel has conferred with counsel for the defendants regarding this motion, and counsel for defendants Nordean, Rehl, Tarrío, and Biggs indicated that they do not oppose the government's request. The government was unable to ascertain defendant Pezzola's position within the limited timeframe between when the government sought his position and when the government filed this motion.

CONCLUSION

For the foregoing reasons, the government requests that the Court enter an order extending the deadline for filings related to the scope of Special Agent Miller's cross-examination from 5:00 p.m. on March 10, 2023, to 12:00 p.m. on March 12, 2023.

Respectfully Submitted,
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