

U.S. District Court
District of Columbia (Washington, DC)
CRIMINAL DOCKET FOR CASE #: 1:21-cr-00175-TJK-1

Case title: USA v. NORDEAN et al

Date Filed: 03/03/2021

Magistrate judge case number: 1:21-mj-00195-ZMF

Assigned to: Judge Timothy J. Kelly

Appeals court case number: 21-3022

Defendant (1)**ETHAN NORDEAN***also known as*

RUFIO PANMAN

represented by **David Benjamin Smith**
DAVID B. SMITH, PLLC
108 North Alfred Street
1st Floor
Alexandria, VA 22314
(703) 548-8911
Fax: (703) 548-8935
Email: dbs@davidbsmithpllc.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Nicholas D. Smith
DAVID B. SMITH, PLLC
7 East 20th Street
Suite 4r
New York, NY 10003
917-902-3869
Email: nds@davidbsmithpllc.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

18 U.S.C. 1512(c)(2) and 2; TAMPERING WITH A WITNESS, VICTIM OR INFORMANT; Obstruction of an Official Proceeding and Aiding and Abetting
(1)

18:371; CONSPIRACY TO DEFRAUD THE UNITED STATES; Conspiracy
(1s)

18 U.S.C. 1361 and 2; GOVERNMENT PROPERTY OR CONTRACTS >; Destruction of Government Property and Aiding and Abetting
(2)

18:1512(c)(2), 2; TAMPERING WITH A WITNESS, VICTIM OR INFORMANT; Obstruction of an Official Proceeding and Aiding and Abetting
(2s)

18 U.S.C. 1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds
(3)

18:231(A)(3), 2; CIVIL DISORDER; Obstruction of Law Enforcement During Civil Disorder and Aiding and Abetting
(3s)

18 U.S.C. 1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly and Disruptive Conduct in a Restricted Building or Grounds
(4)

18:1361, 2; GOVERNMENT PROPERTY OR CONTRACTS >; Destruction of Government Property and Aiding and Abetting
(4s)

18:1752(a)(1); TEMPORARY RESIDENCE OF THE PRESIDENT; Entering and Remaining in a Restricted Building or Grounds
(5s)

18:1752(a)(2); TEMPORARY RESIDENCE OF THE PRESIDENT; Disorderly Conduct in a Restricted Building or Grounds
(6s)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

COMPLAINT in VIOLATION of 18 U.S.C. 1361 and 2; 18 U.S.C. 1512(c)(2); 18 U.S.C. 1752(a); 40 U.S.C. 5104(e)(2)(D) and (G)

Disposition**Disposition****Disposition****Movant**

CABLE NEWS NETWORK, INC.

represented by **Charles D. Tobin**

BALLARD SPAHR LLP
1909 K Street, NW
12th Floor
Washington, DC 20006
202-661-2218
Fax: 202-661-2299
Email: tobinc@ballardspahr.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Lauren Russell
BALLARD SPAHR LLP
1909 K Street, NW
12th Floor
Washington, DC 20006
202-661-2200
Fax: 202-661-2299
Email: russelli@ballardspahr.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Maxwell S. Mishkin
BALLARD SPAHR LLP
1909 K Street, NW
12th Floor
Washington, DC 20006
(202) 508-1140
Fax: (202) 661-2299
Email: mishkinm@ballardspahr.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Movant

AMERICAN BROADCASTING COMPANIES, INC.
doing business as
ABC NEWS

represented by **Charles D. Tobin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Lauren Russell
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Maxwell S. Mishkin
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Movant

ASSOCIATED PRESS

represented by **Charles D. Tobin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Lauren Russell
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Maxwell S. Mishkin
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Movant

BUZZFEED INC.
doing business as
BUZZFEED NEWS

represented by **Charles D. Tobin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Lauren Russell
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Maxwell S. Mishkin
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Movant

CBS BROADCASTING INC.
on behalf of
CBS NEWS

represented by **Charles D. Tobin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Lauren Russell
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Maxwell S. Mishkin
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Movant

DOW JONES & COMPANY, INC.
on behalf of
THE WALL STREET JOURNAL

represented by **Charles D. Tobin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Lauren Russell
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Maxwell S. Mishkin
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Movant

E.W. SCRIPPS COMPANY

represented by **Charles D. Tobin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Lauren Russell
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Maxwell S. Mishkin
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Movant

GANNETT CO., INC.
7950 Jones Branch Drive
McLean, VA 22107

represented by **Charles D. Tobin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Lauren Russell
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Maxwell S. Mishkin
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Movant

GRAY MEDIA GROUP, INC.

represented by **Charles D. Tobin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Lauren Russell
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Maxwell S. Mishkin
(See above for address)

LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Movant

LOS ANGELES TIMES COMMUNICATIONS LLC
on behalf of
THE LOS ANGELES TIMES

represented by **Charles D. Tobin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Lauren Russell
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Maxwell S. Mishkin
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Movant

NATIONAL PUBLIC RADIO, INC.

represented by **Charles D. Tobin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Lauren Russell
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Maxwell S. Mishkin
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Movant

NBCUNIVERSAL MEDIA, LLC
doing business as
NBC NEWS

represented by **Charles D. Tobin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Lauren Russell
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Maxwell S. Mishkin
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Movant

NEW YORK TIMES COMPANY

represented by **Charles D. Tobin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Lauren Russell
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Maxwell S. Mishkin
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Movant

PRO PUBLICA, INC.

represented by **Charles D. Tobin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Lauren Russell
(See above for address)
LEAD ATTORNEY

LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Maxwell S. Mishkin
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Movant

TEGNA, INC.

represented by **Charles D. Tobin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Lauren Russell
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Maxwell S. Mishkin
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Movant

WP COMPANY LLC
doing business as
THE WASHINGTON POST

represented by **Charles D. Tobin**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Lauren Russell
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Maxwell S. Mishkin
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Plaintiff

USA

represented by **Erik Michael Kenerson**
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Suite 11-449
Washington, DC 20530
(202) 252-7201
Email: erik.kenerson@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

James B. Nelson
U.S. ATTORNEY'S OFFICE FOR DISTRICT OF COLUMBIA
555 4th Street NW
Room 4112
Washington, DC 20001
(202) 252-6986
Email: james.nelson@usdoj.gov
TERMINATED: 10/15/2021
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

Jason Bradley Adam McCullough
U.S. ATTORNEY'S OFFICE
555 4th Street NW
Washington, DC 20530
(202) 252-7233
Email: jason.mccullough2@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

Luke Matthew Jones
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-7066
Fax: (202) 616-8470
Email: luke.jones@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant U.S. Attorney

Date Filed	#	Docket Text
02/02/2021	6	SEALED COMPLAINT as to ETHAN NORDEAN (1). (Attachments: # 1 Affidavit in Support) (zltp)[1:21-mj-00195-ZMF] Modified on 3/22/2021 (zltp). (Entered: 02/03/2021)
02/02/2021	8	MOTION to Seal Case by USA as to ETHAN NORDEAN. (Attachments: # 1 Text of Proposed Order)(zltp)[1:21-mj-00195-ZMF] Modified on 3/22/2021 (zltp). (Entered: 02/03/2021)
02/02/2021	9	ORDER granting 8 Motion to Seal Case as to ETHAN NORDEAN (1). Signed by Magistrate Judge Zia M. Faruqui on 2/2/2021. (zltp)[1:21-mj-00195-ZMF] Modified on 3/22/2021 (zltp). (Entered: 02/03/2021)
02/03/2021		Arrest of ETHAN NORDEAN in US District Court Western District of Washington. (bb) [1:21-mj-00195-ZMF] (Entered: 02/26/2021)
02/08/2021	5	NOTICE OF ATTORNEY APPEARANCE James B. Nelson appearing for USA. (zstd) [1:21-mj-00195-ZMF] (Entered: 02/08/2021)
02/08/2021	6	MOTION for Emergency Stay and MOTION for Review of Release Order by USA as to ETHAN NORDEAN. (Attachments: # 1 Text of Proposed Order)(zstd) [1:21-mj-00195-ZMF] (Entered: 02/08/2021)
02/08/2021	7	ORDER, as to ETHAN NORDEAN, GRANTING the government's 6 Motion for Emergency Stay and Review of Release Order. Signed by Chief Judge Beryl A. Howell on February 8, 2021. (lcbah2) [1:21-mj-00195-ZMF] (Entered: 02/08/2021)
02/08/2021	8	MOTION for Transport Order by USA as to ETHAN NORDEAN. (Attachments: # 1 Text of Proposed Order)(zstd) [1:21-mj-00195-ZMF] (Entered: 02/08/2021)
02/08/2021	9	ORDER, as to ETHAN NORDEAN, GRANTING the government's 8 Motion for Transport Order. Signed by Chief Judge Beryl A. Howell on February 8, 2021. (lcbah2) [1:21-mj-00195-ZMF] (Entered: 02/08/2021)
02/22/2021	11	NOTICE OF ATTORNEY APPEARANCE: David Benjamin Smith appearing for ETHAN NORDEAN (bb) [1:21-mj-00195-ZMF] (Entered: 02/23/2021)
02/22/2021	12	NOTICE OF ATTORNEY APPEARANCE: Nicholas D. Smith appearing for ETHAN NORDEAN (bb) [1:21-mj-00195-ZMF] (Entered: 02/23/2021)
02/23/2021	13	Defendant's Motion to Lift Stay on Release Order re 7 Order on Motion to Stay, Order on Motion for Review by ETHAN NORDEAN. (bb) [1:21-mj-00195-ZMF] (Entered: 02/23/2021)
02/23/2021	14	MOTION to Unseal Case by USA as to ETHAN NORDEAN. (Attachments: # 1 Text of Proposed Order)(zstd) [1:21-mj-00195-ZMF] (Entered: 02/24/2021)
02/25/2021		MINUTE ORDER granting 14 Motion to Unseal Case as to ETHAN NORDEAN, DIRECTING the Clerk's Office to unseal this case. SO ORDERED. Signed by Chief Judge Beryl A. Howell on 2/25/2021. (ztg) [1:21-mj-00195-ZMF] (Entered: 02/25/2021)
02/25/2021		Case unsealed as to ETHAN NORDEAN (bb) [1:21-mj-00195-ZMF] (Entered: 02/25/2021)
02/26/2021	15	MOTION for Release from Custody pursuant to 18 U.S.C. s. 3060 by ETHAN NORDEAN. (Smith, Nicholas) [1:21-mj-00195-ZMF] (Entered: 02/26/2021)
02/26/2021	16	Rule 5(c)(3) Documents Received as to ETHAN NORDEAN from US District Court Western District of Washington Case Number 21-mj-67 (bb) [1:21-mj-00195-ZMF] (Entered: 02/26/2021)
02/26/2021		NOTICE OF HEARING ON MOTIONS in case as to ETHAN NORDEAN re 13 Motion to Lift Stay on Release Order and 15 Motion to Release from Custody Pursuant to 18 U.S.C. § 3060. The parties shall take notice that, unless this case is assigned to another Judge upon the filing of an indictment or information, a Motions Hearing is scheduled for 3/2/2021, at 11:00 AM via videoconference before Chief Judge Beryl A. Howell. Signed by Chief Judge Beryl A. Howell on February 26, 2021. (lcbah2) [1:21-mj-00195-ZMF] (Entered: 02/26/2021)
02/27/2021		MINUTE ORDER (paperless) as to ETHAN NORDEAN DIRECTING the government to submit, by March 1, 2021 at 4:00 PM, a response to defendant's pending 13 Motion to Lift Stay and 15 Motion to Release from Custody Pursuant to 18 U.S.C. § 3060. Signed by Chief Judge Beryl A. Howell on February 27, 2021. (lcbah2) [1:21-mj-00195-ZMF] (Entered: 02/27/2021)
03/01/2021		Set/Reset Hearings as to ETHAN NORDEAN: Motion Hearing set for 3/2/2021 at 11:00 AM via videoconference before Chief Judge Beryl A. Howell. (ztg) [1:21-mj-00195-ZMF] (Entered: 03/01/2021)
03/01/2021	17	Memorandum in Opposition by USA as to ETHAN NORDEAN re 13 MOTION Defendant's Motion to Lift Stay on Release Order re 7 Order on Motion to Stay, Order on Motion for Review (Nelson, James) [1:21-mj-00195-ZMF] (Entered: 03/01/2021)
03/01/2021	18	Memorandum in Opposition by USA as to ETHAN NORDEAN re 15 MOTION for Release from Custody pursuant to 18 U.S.C. s. 3060 (Attachments: # 1 Defendant's Waiver)(Nelson, James) [1:21-mj-00195-ZMF] (Entered: 03/01/2021)
03/01/2021	19	REPLY TO OPPOSITION to Motion by ETHAN NORDEAN re 15 MOTION for Release from Custody pursuant to 18 U.S.C. s. 3060, 13 MOTION Defendant's Motion to Lift Stay on Release Order re 7 Order on Motion to Stay, Order on Motion for Review (Smith, Nicholas) [1:21-mj-00195-ZMF] (Entered: 03/01/2021)
03/02/2021		NOTICE VACATING HEARING as to ETHAN NORDEAN. The parties shall take notice that the motion hearing scheduled to take place today, March 2, 2021, at 11:00 AM is VACATED. A new hearing date and time will be provided by the deputy clerk by the close of business today.(ztg) [1:21-mj-00195-ZMF] (Entered: 03/02/2021)
03/02/2021		NOTICE OF HEARING as to ETHAN NORDEAN. The parties shall take notice that a Motion Hearing is scheduled for 3/3/2021, at 3:00 PM via videoconference before Chief Judge Beryl A. Howell. Connection details for the hearing will be provided to the parties by the deputy clerk.(ztg) [1:21-mj-00195-ZMF] (Entered: 03/02/2021)
03/02/2021	20	SUPPLEMENT by ETHAN NORDEAN re 13 MOTION Defendant's Motion to Lift Stay on Release Order re 7 Order on Motion to Stay, Order on Motion for Review Declaration of Cory Nordean (Smith, Nicholas) [1:21-mj-00195-ZMF] (Entered: 03/02/2021)
03/02/2021	21	SUPPLEMENT by USA as to ETHAN NORDEAN re 19 Reply to opposition to Motion, 20 Supplement to any document, 17 Memorandum in Opposition (Attachments: # 1 Exhibits) (Nelson, James) [1:21-mj-00195-ZMF] (Entered: 03/02/2021)
03/03/2021	22	RESPONSE by ETHAN NORDEAN re 21 Supplement to any document re: New Evidence Submitted by the Government (Smith, Nicholas) [1:21-mj-00195-ZMF] (Entered: 03/03/2021)
03/03/2021		Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Motion Hearing as to ETHAN NORDEAN held via videoconference on 3/3/2021. Defendant not present due to an institutional emergency. Defense counsel's oral motion for a waiver under Rule 43, heard and granted. 13 MOTION for Release from Custody pursuant to 18 U.S.C. s. 3060 filed by ETHAN NORDEAN, denied as moot; 6 MOTION for Review of Release Order filed by USA, denied; 15 Defendant's Motion to Lift Stay on Release Order, denied as moot. Magistrate's Release Order AFFIRMED. Defendant released on personal recognizance bond with a condition of home detention, he will be supervised by Western District of Washington. Bond Status of Defendant: personal recognizance with home detention condition/release issued. Present via videoconference: Defense Attorneys: David B. Smith and Nicholas D. Smith; US Attorney: James B. A. McCullough and James B. Nelson; Pretrial Officer: Masharia Holman. Court Reporter: Elizabeth Saint-Loth. (ztg) [1:21-mj-00195-ZMF] (Entered: 03/03/2021)
03/03/2021	23	ORDER Setting Conditions of Release with Global Positioning System Monitoring. Signed by Chief Judge Beryl A. Howell on 3/3/2021. (Attachments: # 1 Appearance Bond) (ztg) [1:21-mj-00195-ZMF] (Entered: 03/03/2021)
03/03/2021	24	INDICTMENT as to ETHAN NORDEAN (1) count(s) 1, 2, 3, 4. (zltp) (Entered: 03/04/2021)
03/04/2021		MINUTE ORDER as to ETHAN NORDEAN: Pursuant to the Due Process Protections Act, the Court hereby ORDERS that all government counsel shall review their disclosure obligations under <i>Brady v. Maryland</i> , 373 U.S. 83 (1963), and its progeny, as set forth in Local Criminal Rule 5.1, and comply with those provisions. The failure to comply could result in dismissal of the indictment or information, dismissal of individual charges, exclusion of government evidence or witnesses, continuances, Bar discipline, or any other remedy that is just under the circumstances. Signed by Judge Timothy J. Kelly on 3/4/2021. (lctjk1) (Entered: 03/04/2021)
03/08/2021		NOTICE OF HEARING as to ETHAN NORDEAN. VTC Arraignment set for 3/16/2021 at 2:00 PM before Judge Timothy J. Kelly. The parties shall contact the Courtroom Deputy at (202) 354-3495 at least one business day in advance to make arrangements to participate. (zkh) (Entered: 03/08/2021)
03/10/2021	26	(FIRST SUPERSEDING INDICTMENT) filed by USA as to ETHAN NORDEAN (1) count(s) 1s, 2s, 3s, 4s, 5s, 6s, JOSEPH RANDALL BIGGS (2) count(s) 1, 2, 3, 4, 5, 6, ZACHARY REHL (3) count(s) 1, 2, 3, 4, 5, 6, CHARLES DONOHOE (4) count(s) 1, 2, 3, 4, 5, 6 (This document is SEALED and only available to authorized persons.) (zltp) Modified sealing on 3/19/2021 (bb). Modified on 3/19/2021 (zltp). (Entered: 03/12/2021)
03/10/2021		Counts added: ETHAN NORDEAN (1) count(s) 1s, 2s, 3s, 4s, 5s, 6s, JOSEPH RANDALL BIGGS (2) count(s) 1, 2, 3, 4, 5, 6, ZACHARY REHL (3) count(s) 1, 2, 3, 4, 5, 6, CHARLES DONOHOE (4) count(s) 1, 2, 3, 4, 5, 6 (zltp) (Entered: 03/19/2021)
03/12/2021	29	MOTION TO CONTINUE THE ARRAIGNMENT filed by USA as to ETHAN NORDEAN.(This document is SEALED and only available to authorized persons.) (zltp) Modified sealing on 3/19/2021 (bb). (Entered: 03/19/2021)
03/15/2021	27	MOTION for Bill of Particulars as to Count Two of the Indictment by ETHAN NORDEAN. (Smith, Nicholas) (Entered: 03/15/2021)
03/15/2021		MINUTE ORDER as to ETHAN NORDEAN: It is hereby ORDERED that the arraignment set for March 16, 2021, is hereby CONTINUED to March 23, 2021, at 2:00 p.m. via videoconference. The parties shall contact the Courtroom Deputy at (202) 354-3495 at least one business day in advance to make arrangements to participate. Signed by Judge Timothy J. Kelly on 3/15/2021. (lctjk1) (Entered: 03/15/2021)
03/17/2021	28	Government's MOTION to Unseal Superseding Indictment and Related Documents by USA as to ETHAN NORDEAN. (Attachments: # 1 Text of Proposed Order)(bb) (Entered: 03/18/2021)
03/18/2021		MINUTE ORDER as to ETHAN NORDEAN granting the Government's 28 Motion to Unseal. It is hereby ORDERED that 26 First Superseding Indictment and 29 Motion to Continue

03/17/2021		MINUTE ORDER as to ETHAN NORDEAN granting the Government's 48 Motion to Unseal. It is hereby ORDERED that 49 Fast Superseeding Attachment and 42 Motion to Continue be UNSEALED. The Clerk of Court is instructed to unseal ECF Nos. 26 and 29. Signed by Judge Timothy J. Kelly on 3/19/2021. (lctjk1) (Entered: 03/19/2021)
03/19/2021		Document unsealed as to ETHAN NORDEAN. 29 SEALED MOTION filed by USA as to ETHAN NORDEAN.(This document is SEALED and only available to authorized persons.), 26 Sealed Document (bb) (Entered: 03/19/2021)
03/20/2021	30	MOTION to Revoke <i>Pretrial Release</i> by USA as to ETHAN NORDEAN. (Nelson, James) (Entered: 03/20/2021)
03/21/2021	32	Memorandum in Opposition by ETHAN NORDEAN re 30 MOTION to Revoke <i>Pretrial Release</i> (Attachments: # 1 Exhibit Statement of Nordean's Probation Officer)(Smith, Nicholas) (Entered: 03/21/2021)
03/23/2021	34	SUPPLEMENT by ETHAN NORDEAN re 30 MOTION to Revoke <i>Pretrial Release Government Statements to Media about this Investigation</i> (Smith, Nicholas) (Entered: 03/23/2021)
03/23/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Arraignment as to ETHAN NORDEAN (1) as to Counts 1s, 2s, 3s, 4s, 5s, and 6s and JOSEPH RANDALL BIGGS (2) as to Counts 1, 2, 3, 4, 5, and 6 held on 3/23/2021. BOTH defendants appeared by video. Plea of NOT GUILTY entered by ETHAN NORDEAN (1) as to Counts 1s, 2s, 3s, 4s, 5s, and 6s and JOSEPH RANDALL BIGGS (2) as to Counts 1, 2, 3, 4, 5, and 6. Speedy Trial Excludable (XT) started 3/23/2021 through 4/1/2021, in the interest of justice, as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). Response to 31 MOTION to Revoke <i>Pretrial Release</i> by Defendant JOSEPH RANDALL BIGGS (2) due by 3/29/2021. VTC Motion Hearing/Status Conference set for 4/1/2021 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains on Personal Recognizance/HISP, 2-Remains on Personal Recognizance/HISP; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV; US Attorneys: James B. Nelson, Jason Bradley Adam McCullough, and Luke Matthew Jones. (zkh) (Entered: 03/23/2021)
03/29/2021	41	SUPPLEMENT by ETHAN NORDEAN re 30 MOTION to Revoke <i>Pretrial Release Regarding New Evidence Relevant to the Government's Motion to Revoke Release Order</i> (Attachments: # 1 Exhibit Declaration of Michale Graves, # 2 Exhibit Declaration of Arturo Santaella, # 3 Exhibit Statement of Probation Officer)(Smith, Nicholas) (Entered: 03/29/2021)
03/31/2021	45	REPLY TO OPPOSITION to Motion by USA as to ETHAN NORDEAN re 30 MOTION to Revoke <i>Pretrial Release</i> (McCullough, Jason) (Entered: 03/31/2021)
04/01/2021		NOTICE OF HEARING as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). The VTC Motion Hearing set for 4/1/2021 is RESCHEDULED for 4/6/2021 at 11:30 AM before Judge Timothy J. Kelly. (zkh) (Entered: 04/01/2021)
04/05/2021	49	MOTION for Leave to File <i>Sur-Reply in Response to New Arguments Raised in Government's Reply in Support of Motion to Revoke Release Order</i> by ETHAN NORDEAN. (Attachments: # 1 Exhibit Ethan Nordean's Sur-Reply in Response to New Arguments Raised in Government's Reply in Support of Motion to Revoke Release Order, # 2 Exhibit Transcript of Couy Griffin Detention Hearing)(Smith, Nicholas) (Entered: 04/05/2021)
04/06/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Motion Hearing as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2) held on 4/6/2021. Both defendants appeared by video. Oral argument on 30 MOTION to Revoke <i>Pretrial Release</i> and 31 MOTION to Revoke <i>Pretrial Release</i> , heard and taken under advisement. Speedy Trial Excludable (XT) started nunc pro tunc 4/1/2021 through 4/9/2021, in the interest of justice, as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). Any supplemental memoranda due by 4/6/2021. VTC Oral Ruling set for 4/9/2021 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains on Personal Recognizance/HISP, 2-Remains on Personal Recognizance/HISP; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV; US Attorneys: James B. Nelson, Jason Bradley Adam McCullough, and Luke Matthew Jones; Pretrial Officer: John Copes. (zkh) (Entered: 04/06/2021)
04/06/2021	51	NOTICE of <i>Delivery of Video Evidence</i> by USA as to ETHAN NORDEAN, JOSEPH RANDALL BIGGS re Motion Hearing,,,, Speedy Trial - Excludable Start,,,, Set Deadlines/Hearings,,,, 46 Reply to opposition to Motion, 45 Reply to opposition to Motion (McCullough, Jason) (Entered: 04/06/2021)
04/06/2021	52	NOTICE of <i>Submission of Evidence Referenced in April 6 Detention Hearing</i> by ETHAN NORDEAN re 51 Notice (Other), (Smith, Nicholas) (Entered: 04/06/2021)
04/08/2021	54	NOTICE of <i>Evidence Relevant to the Government's Detention Motion, Produced to Nordean on April 7, 2021</i> by ETHAN NORDEAN re 45 Reply to opposition to Motion (Smith, Nicholas) (Entered: 04/08/2021)
04/09/2021		MINUTE ORDER as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). The Oral Ruling currently set for April 9, 2021, is hereby VACATED . Signed by Judge Timothy J. Kelly on 4/9/2021. (zkh) (Entered: 04/09/2021)
04/13/2021	57	NOTICE of <i>Brady Evidence Produced to Nordean on April 13, 2021</i> by ETHAN NORDEAN re 30 MOTION to Revoke <i>Pretrial Release</i> (Smith, Nicholas) (Entered: 04/13/2021)
04/14/2021	58	TRANSCRIPT OF MOTION HEARING in case as to ETHAN NORDEAN before Judge Timothy J. Kelly held on 4-6-21; Page Numbers: 1-69; Date of Issuance: 4-14-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter r eferenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov . Redaction Request due 5/5/2021. Redacted Transcript Deadline set for 5/15/2021. Release of Transcript Restriction set for 7/13/2021.(Miller, Timothy) (Entered: 04/14/2021)
04/15/2021		NOTICE OF HEARING as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). VTC Oral Ruling set for 4/16/2021 at 12:00 PM before Judge Timothy J. Kelly. (zkh) (Entered: 04/15/2021)
04/16/2021		NOTICE OF HEARING as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). The VTC Oral Ruling currently set for 4/16/2021 is RESCHEDULED for 4/19/2021 at 12:00 PM before Judge Timothy J. Kelly. (zkh) (Entered: 04/16/2021)
04/19/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Oral Ruling as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2) held on 4/19/2021. BOTH defendants appeared by video. For the reasons stated on the record, Government's 30 and 31 MOTION to Revoke <i>Pretrial Release</i> , GRANTED. Conditions of release REVOKED for ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). Order to be entered by the court. Oral Motion by defendants ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2) for a temporary stay of detention order, heard and DENIED. Speedy Trial Excludable (XT) started nunc pro tunc 4/9/2021 through 5/4/2021, in the interest of justice, as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). VTC Status Conference set for 5/4/2021 at 11:30 AM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Conditions of Release REVOKED/Order Pending to Report, 2-Conditions of Release REVOKED/Order Pending to Report; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones; Pretrial Officer: Christine Schuck. (zkh) (Entered: 04/19/2021)
04/19/2021	64	RESPONSE TO Court Order Issued during Oral Ruling on April 19, 2021 by USA as to ETHAN NORDEAN, JOSEPH RANDALL BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # 1 Filing in U.S. v. Pezzola, 1:21-cr-175, containing photograph)(Jones, Luke) Modified text on 5/21/2021 (zltp). (Entered: 04/19/2021)
04/20/2021	65	DETENTION ORDER as to ETHAN NORDEAN (1). See Order for details. Signed by Judge Timothy J. Kelly on 4/20/2021. (lctjk1) (Entered: 04/20/2021)
04/22/2021	69	NOTICE OF APPEAL - Final Judgment by ETHAN NORDEAN re Status Conference,,,, Speedy Trial - Excludable Start,,,, Set Hearings,,,, Motion Hearing,,,, Speedy Trial - Excludable Start,,,, Set Deadlines/Hearings,,,, 65 Order of Detention Pending Trial- Defendant HWOB. Fee Status: No Fee Paid. Parties have been notified. (Smith, Nicholas) (Entered: 04/22/2021)
04/23/2021	70	NOTICE of <i>Conditions of Confinement following April 20 Detention Order</i> by ETHAN NORDEAN re 65 Order of Detention Pending Trial- Defendant HWOB (Smith, Nicholas) (Entered: 04/23/2021)
04/23/2021	71	TRANSCRIPT OF ORAL RULING in case as to ETHAN NORDEAN before Judge Timothy J. Kelly held on 4-19-21; Page Numbers: 1-83; Date of Issuance: 4-23-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter ref erenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov . Redaction Request due 5/14/2021. Redacted Transcript Deadline set for 5/24/2021. Release of Transcript Restriction set for 7/22/2021.(Miller, Timothy) (Entered: 04/23/2021)
04/26/2021	73	Transmission of the Notice of Appeal, Order Appealed, and Docket Sheet to US Court of Appeals. Defendant is represented by CJA, as to ETHAN NORDEAN re 69 Notice of Appeal - Final Judgment,. (zltp) (Entered: 04/26/2021)
04/26/2021		USCA Case Number as to ETHAN NORDEAN 21-3022 for 69 Notice of Appeal - Final Judgment, filed by ETHAN NORDEAN. (zltp) (Entered: 04/27/2021)
04/29/2021	79	NOTICE of <i>Government's Violation of the Due Process Protections Act and Local Criminal Rule 5.1</i> by ETHAN NORDEAN (Smith, Nicholas) (Entered: 04/29/2021)
05/03/2021		NOTICE OF HEARING (Time Change) as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2). VTC Status Conference set for 5/4/2021 at 12:00 PM before Judge

		Timothy J. Kelly. (zkh) (Entered: 05/03/2021)
05/04/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHUE (4) held on 5/4/2021. ALL defendants appeared by video. Speedy Trial Excludable (XT) started 5/4/2021 through 6/3/2021, in the interest of justice, as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHUE (4). Government Response to 81 MOTION to Revoke due by 5/17/2021. Defendant DONOHUE (4) Reply due by 5/24/2021. VTC Status Conference set for 6/3/2021 at 2:00 PM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 4-Lisa S. Costner; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones. (zkh) (Entered: 05/04/2021)
05/13/2021	84	REPLY by USA as to ETHAN NORDEAN re 79 Notice (Other) (McCullough, Jason) (Entered: 05/13/2021)
05/16/2021	85	REPLY by ETHAN NORDEAN <i>Regarding the Government's Violation of the Due Process Protections Act and Rule 5.1</i> (Attachments: # 1 Declaration of Daniel Arellano)(Smith, Nicholas) (Entered: 05/16/2021)
05/19/2021	88	MOTION to Compel the production of evidence and for a bill of particulars by ETHAN NORDEAN. (Smith, Nicholas) (Entered: 05/19/2021)
05/19/2021	89	MOTION for a Bill of Particulars by ETHAN NORDEAN. (See docket entry 88 to view document.) (zltf) (Entered: 05/21/2021)
06/02/2021	92	MOTION for Protective Order by USA as to ETHAN NORDEAN. (Attachments: # 1 Declaration of Thomas DiBiase (with attachments), # 2 Text of Proposed Order)(Jones, Luke) (Entered: 06/02/2021)
06/02/2021	93	Memorandum in Opposition by USA as to ETHAN NORDEAN re 89 MOTION for Bill of Particulars, 88 MOTION to Compel the production of evidence and for a bill of particulars (Jones, Luke) (Entered: 06/03/2021)
06/03/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHUE (4) held on 6/3/2021. Defendants NORDEAN (1) and BIGGS (2) appeared by video. For the reasons stated on the record, Defendant DONOHUE's (4) appearance was WAIVED. Speedy Trial Excludable (XT) started 6/3/2021 through 7/15/2021, in the interest of justice, as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHUE (4). VTC Motion Hearing set for 6/9/2021 at 11:00 AM before Judge Timothy J. Kelly for Defendant DONOHUE (4). VTC Status Conference set for 7/15/2021 at 2:00 PM before Judge Timothy J. Kelly for Defendants NORDEAN (1), BIGGS (2) and DONOHUE (4). Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 4-Lisa S. Costner; US Attorneys: Jason Bradley Adam McCullough, Luke Matthew Jones, and Nadia Moore. (zkh) (Entered: 06/03/2021)
06/03/2021	94	First MOTION to Dismiss Case by ETHAN NORDEAN. (Smith, Nicholas) (Entered: 06/03/2021)
06/03/2021	95	MOTION for Leave to File Excess Pages <i>re Motion to Dismiss the First Superseding Indictment</i> by ETHAN NORDEAN. (Smith, Nicholas) (Entered: 06/03/2021)
06/08/2021	97	Unopposed MOTION for Extension of Time to File Response/Reply to Defendant Nordean's Motion to Dismiss (Doc. 83) by USA as to ETHAN NORDEAN. (Attachments: # 1 Text of Proposed Order)(Jones, Luke) (Entered: 06/08/2021)
06/08/2021	98	Unopposed MOTION for Extension of Time to File Response/Reply to File Response to Defendant Nordean's Motion to Dismiss (Doc. 94) (Amended to Reflect Correct Docket Number of Motion to Dismiss) by USA as to ETHAN NORDEAN. (Attachments: # 1 Text of Proposed Order)(Jones, Luke) (Entered: 06/08/2021)
06/09/2021		MINUTE ORDER as to ETHAN NORDEAN (1) granting the Government's 98 Unopposed Motion for Extension of Time. It is hereby ORDERED, for good cause shown, that the Government's motion is GRANTED. The Government shall file its opposition to Defendant Nordean's 94 Motion to Dismiss by July 1, 2021. Defendant shall file any reply in support of his motion to dismiss by July 15, 2021. Further, because the Government filed ECF No. 98 as a corrected version of ECF No. 97 and requests the same relief in both motions, it is hereby ORDERED that the Government's 97 Unopposed Motion for Extension of Time is DENIED AS MOOT. Signed by Judge Timothy J. Kelly on 6/9/2021. (lctjk1) (Entered: 06/09/2021)
06/10/2021	99	REPLY in Support by ETHAN NORDEAN re 88 MOTION to Compel the production of evidence and for a bill of particulars (Smith, Nicholas) (Entered: 06/10/2021)
06/15/2021	100	NOTICE of additional relevant evidence produced following Nordean's detention hearings by ETHAN NORDEAN (Attachments: # 1 Exhibit 1)(Smith, Nicholas) (Entered: 06/15/2021)
06/25/2021	107	JUDGMENT of USCA (certified copy) as to ETHAN NORDEAN, JOSEPH RANDALL BIGGS re 69 Notice of Appeal - Final Judgment, 67 Notice of Appeal - Final Judgment. The district courts pretrial detention orders entered on April 20, 2021 is affirmed. USCA Case Number 21-3021; 21-3022. (zltf) (Entered: 07/02/2021)
06/28/2021	102	Unopposed MOTION for Protective Order (INTERIM) by USA as to ETHAN NORDEAN. (Attachments: # 1 Text of Proposed Order)(Jones, Luke) (Entered: 06/28/2021)
06/29/2021	103	ORDER granting the Government's 102 Unopposed Motion for Protective Order as to ETHAN NORDEAN (1). See Order for details. Signed by Judge Timothy J. Kelly on 6/29/2021. (lctjk1) (Entered: 06/29/2021)
07/01/2021		NOTICE OF HEARING (Time Change) as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHUE (4). VTC Status Conference set for 7/15/2021 at 11:00 AM before Judge Timothy J. Kelly. (zkh) (Entered: 07/01/2021)
07/01/2021	106	Memorandum in Opposition by USA as to ETHAN NORDEAN re 94 First MOTION to Dismiss Case (McCullough, Jason) (Entered: 07/01/2021)
07/11/2021	113	REPLY in Support by ETHAN NORDEAN re 94 First MOTION to Dismiss Case (Smith, Nicholas) (Entered: 07/11/2021)
07/13/2021	116	TRANSCRIPT OF STATUS CONFERENCE in case as to ETHAN NORDEAN before Judge Timothy J. Kelly held on 6-3-21; Page Numbers: 1-36; Date of Issuance: 7-13-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov . Redaction Request due 8/3/2021. Redacted Transcript Deadline set for 8/13/2021. Release of Transcript Restriction set for 10/11/2021.(Miller, Timothy) (Entered: 07/13/2021)
07/14/2021	119	NOTICE <i>Regarding Discovery Correspondence</i> by USA as to ETHAN NORDEAN, JOSEPH RANDALL BIGGS, ZACHARY REHL, CHARLES DONOHUE (Attachments: # 1 4/21/2021 Letter (All Defendants), # 2 4/30/2021 Letter (Nordean), # 3 5/5/2021 Letter (Rehl), # 4 5/19/2021 Letter (Nordean), # 5 6/2/2021 Letter (All Defendants), # 6 6/2/2021 Letter (Nordean), # 7 6/2/2021 Letter (Biggs), # 8 6/2/2021 Letter (Rehl), # 9 6/2/2021 Letter (Donohoe), # 10 6/3/2021 Letter (Biggs, Rehl, Donohoe), # 11 6/3/2021 Letter (Rehl), # 12 7/1/2021 Letter (Nordean), # 13 7/2/2021 Letter (Biggs, Rehl, Donohoe), # 14 7/2/2021 Letter (Nordean), # 15 7/6/2021 Letter (All Defendants), # 16 7/6/2021 Letter (Nordean), # 17 7/7/2021 Letter (Nordean), # 18 7/7/2021 Letter (All Defendants), # 19 7/9/2021 Letter (All Defendants), # 20 7/13/2021 Letter (All Defendants), # 21 7/13/2021 Letter (All Defendants), # 22 7/14/2021 Letter (All Defendants))(Jones, Luke) (Attachment 5 replaced on 7/14/2021) (zltf). (Entered: 07/14/2021)
07/14/2021	120	NOTICE of Filing of Memorandum Regarding Status of Discovery in January 6, 2021 Cases by USA as to ETHAN NORDEAN, JOSEPH RANDALL BIGGS, ZACHARY REHL, CHARLES DONOHUE (Attachments: # 1 Memorandum Regarding Status of Discovery)(Jones, Luke) (Entered: 07/14/2021)
07/14/2021	121	Unopposed MOTION for Leave to File Sur-Reply and Set Further Briefing Schedule by USA as to ETHAN NORDEAN. (Attachments: # 1 Text of Proposed Order)(McCullough, Jason) (Entered: 07/14/2021)
07/15/2021		MINUTE ORDER as to ETHAN NORDEAN (1) granting the United States' 121 Unopposed Motion for Leave to File Sur-Reply and Set Further Briefing Schedule. It is hereby ORDERED, for good cause shown, that the motion is GRANTED. It is further ORDERED that the United States shall file any sur-reply to Defendant Nordean's 94 Motion to Dismiss by July 29, 2021, and Defendant Nordean shall file any response to the sur-reply by August 5, 2021. Signed by Judge Timothy J. Kelly on 7/15/2021. (lctjk1) (Entered: 07/15/2021)
07/15/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHUE (4) held on 7/15/2021. ALL Defendants appeared by video. Oral argument heard on 88 MOTION to Compel and 89 MOTION for a Bill of Particulars, and taken under advisement. Speedy Trial Excludable (XT) started 7/15/2021 through 9/21/2021, in the interest of justice, as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), and CHARLES DONOHUE (4). Joint Status Report as to Defendant NORDEAN (1) due by 7/26/2021. VTC Status Conference/Motion Hearing set for 9/21/2021 at 11:00 AM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 4-Lisa S. Costner; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones. (zkh) (Entered: 07/15/2021)
07/15/2021		Set/Reset Deadlines as to ETHAN NORDEAN (1): Joint Status Report due by 7/26/2021. (zkh) (Entered: 07/15/2021)
07/20/2021	122	MOTION for Bond and to reopen Detention Decision pursuant to § 3142(f) by ETHAN NORDEAN. (Smith, Nicholas) (Entered: 07/20/2021)
07/26/2021	126	STATUS REPORT by USA as to ETHAN NORDEAN (Attachments: # 1 Exhibit)(McCullough, Jason) (Entered: 07/26/2021)
07/27/2021	127	RESPONSE by ETHAN NORDEAN re 126 Status Report (Smith, Nicholas) (Entered: 07/27/2021)
07/29/2021	129	MOTION for Protective Order Removal of Sensitivity Designation by ETHAN NORDEAN. (Smith, Nicholas) (Entered: 07/29/2021)
07/29/2021	130	SURREPLY by USA as to ETHAN NORDEAN re 94 First MOTION to Dismiss Case 105 MOTION to Dismiss Case <i>Unopposed Motion to Join Nordean Motion to Dismiss</i>

		NOTICE of Status of Discovery in January 6, 2021 Cases by USA as to ETHAN NORDEAN re 122 MOTION for Bond and to reopen Detention Decision pursuant to § 3142(f) (McCullough, Jason) Modified event title on 8/12/2021 (znmw). Modified text on 8/16/2021 (zltpt). (Entered: 07/29/2021)
07/29/2021	131	NOTICE of Delivery of Video Evidence by USA as to ETHAN NORDEAN re 129 MOTION for Protective Order Removal of Sensitivity Designation (McCullough, Jason) (Entered: 07/29/2021)
07/29/2021	132	RESPONSE by ETHAN NORDEAN re 131 Notice (Other) re: Capitol CCTV video evidence improperly designated Highly Sensitive by the government (Smith, Nicholas) (Entered: 07/29/2021)
08/01/2021	133	ERRATA by USA as to ETHAN NORDEAN re 94 First MOTION to Dismiss Case filed by ETHAN NORDEAN, 105 MOTION to Dismiss Case Unopposed Motion to Join Nordean Motion to Dismiss filed by JOSEPH RANDALL BIGGS (Attachments: # 1 Refiled Surreply)(McCullough, Jason) Modified text on 8/16/2021 (zltpt). (Entered: 08/01/2021)
08/03/2021	134	Memorandum in Opposition by USA as to ETHAN NORDEAN re 122 MOTION for Bond and to reopen Detention Decision pursuant to § 3142(f) (Jones, Luke) (Entered: 08/03/2021)
08/04/2021	135	REPLY in Support by ETHAN NORDEAN re 94 First MOTION to Dismiss Case re: Response to the Government's Surreply Brief (Smith, Nicholas) (Entered: 08/04/2021)
08/08/2021	136	REPLY TO OPPOSITION to Motion by ETHAN NORDEAN re 122 MOTION for Bond and to reopen Detention Decision pursuant to § 3142(f) (Attachments: # 1 Exhibit Declaration of Michael Nordean)(Smith, Nicholas) (Entered: 08/08/2021)
08/09/2021	138	MEMORANDUM OPINION AND ORDER as to ETHAN NORDEAN (1) denying Defendant's 88 Motion to Compel and for Bill of Particulars. See document for details. Signed by Judge Timothy J. Kelly on 8/9/2021. (lctjk1) (Entered: 08/09/2021)
08/10/2021	139	NOTICE of Second Declaration of Michael Nordean by ETHAN NORDEAN re 136 Reply to opposition to Motion (Smith, Nicholas) (Entered: 08/10/2021)
08/11/2021	140	NOTICE of Recent Authority re Government's Motions to Revoke Release Orders in January 6 Cases by ETHAN NORDEAN re 122 MOTION for Bond and to reopen Detention Decision pursuant to § 3142(f) (Attachments: # 1 Exhibit 1)(Smith, Nicholas) (Entered: 08/11/2021)
08/12/2021	142	Memorandum in Opposition by USA as to ETHAN NORDEAN re 129 MOTION for Protective Order Removal of Sensitivity Designation (Jones, Luke) (Entered: 08/12/2021)
08/18/2021	145	MANDATE of USCA as to ETHAN NORDEAN, JOSEPH RANDALL BIGGS re 69 Notice of Appeal - Final Judgment, 67 Notice of Appeal - Final Judgment. In accordance to the judgment of 6/25/2021, the district court's pretrial detention orders entered on April 20, 2021 be affirmed. USCA Case Number 21-3021, 21-3022. (Attachments: # 1 USCA Judgment of 6/25/2021)(zltpt) (Entered: 08/19/2021)
08/19/2021	146	REPLY TO OPPOSITION to Motion by ETHAN NORDEAN re 129 MOTION for Protective Order Removal of Sensitivity Designation on Capitol CCTV videos (Attachments: # 1 Exhibit Press Coalition's Motion to Intervene)(Smith, Nicholas) (Entered: 08/19/2021)
08/25/2021	152	NOTICE of Ongoing Discovery Dispute Concerning Material Bearing on Pending Bail Motion by ETHAN NORDEAN re 122 MOTION for Bond and to reopen Detention Decision pursuant to § 3142(f) (Smith, Nicholas) (Entered: 08/25/2021)
09/01/2021	154	TRANSCRIPT OF STATUS CONFERENCE in case as to ETHAN NORDEAN before Judge Timothy J. Kelly held on 7-15-21; Page Numbers: 1-88; Date of Issuance: 9-1-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov . Redaction Request due 9/22/2021. Redacted Transcript Deadline set for 10/2/2021. Release of Transcript Restriction set for 11/30/2021.(Miller, Timothy) (Entered: 09/01/2021)
09/07/2021	160	NOTICE of Submission of Video Clip Evidence Produced by the Government on August 31 by ETHAN NORDEAN re 122 MOTION for Bond and to reopen Detention Decision pursuant to § 3142(f) (Smith, Nicholas) (Entered: 09/07/2021)
09/08/2021		NOTICE OF HEARING as to ETHAN NORDEAN (1) and JOSEPH R. BIGGS (2): VTC Motion Hearing set for 9/13/2021 at 2:00 PM before Judge Timothy J. Kelly. (zkh) (Entered: 09/08/2021)
09/08/2021		Attorney update in case as to ETHAN NORDEAN. Attorney Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for WP COMPANY LLC,Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for TEGNA, INC.,Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for PRO PUBLICA, INC.,Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for NEW YORK TIMES COMPANY,Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for NBCUNIVERSAL MEDIA, LLC,Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for NATIONAL PUBLIC RADIO, INC.,Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for LOS ANGELES TIMES COMMUNICATIONS LLC,Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for GRAY MEDIA GROUP, INC.,Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for GANNETT CO., INC.,Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for E.W. SCRIPPS COMPANY,Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for DOW JONES & COMPANY, INC.,Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for CBS BROADCASTING INC.,Charles D. Tobin,Maxwell S. Mishkin,Lauren Russell for BUZZFEED INC. added. (zltpt) (Entered: 09/20/2021)
09/08/2021	176	MOTION to Intervene by WP COMPANY LLC, TEGNA, INC., PRO PUBLICA, INC., NEW YORK TIMES COMPANY, NBCUNIVERSAL MEDIA, LLC, NATIONAL PUBLIC RADIO, INC., LOS ANGELES TIMES COMMUNICATIONS LLC, GRAY MEDIA GROUP, INC., GANNETT CO., INC., E.W. SCRIPPS COMPANY, DOW JONES & COMPANY, INC., CBS BROADCASTING INC., BUZZFEED INC., ASSOCIATED PRESS, AMERICAN BROADCASTING COMPANIES, INC., CABLE NEWS NETWORK, INC. as to ETHAN NORDEAN. "Leave to File Granted" by Judge Timothy J. Kelly on 9/8/2021. (Attachments: # 1 Text of Proposed Order)(zltpt) (Additional attachment(s) added on 9/28/2021: # 2 Corporate Disclosure Statement) (zltpt). (Entered: 09/20/2021)
09/10/2021	162	NOTICE of Recent Authority in The Dream Defenders v. Ron DeSantis (N.D. Fla. Sept. 9, 2021) by ETHAN NORDEAN re 94 First MOTION to Dismiss Case (Attachments: # 1 Exhibit 1)(Smith, Nicholas) (Entered: 09/10/2021)
09/13/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Motion Hearing as to ETHAN NORDEAN (1) and JOSEPH R. BIGGS (2) held on 9/13/2021. Defendant NORDEAN (1) appeared by telephone. Defendant BIGGS (2) appeared by video. Oral argument heard and taken under advisement as to 122 MOTION for Bond and to reopen Detention Decision pursuant to § 3142(f) filed by NORDEAN (1) and on 137 MOTION for Bond and to Reopen Detention Hearing 18 USC 3142 (f) filed by BIGGS (2). Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV; US Attorneys: Jason Bradley Adam McCullough and Luke Matthew Jones; Pretrial Officer: Christine Schuck. (zkh) (Entered: 09/13/2021)
09/14/2021	164	MOTION to Access Sealed Portion of 9/13/21 Hearing Transcript by ETHAN NORDEAN. (Attachments: # 1 Text of Proposed Order)(Smith, Nicholas) (Entered: 09/14/2021)
09/15/2021	166	NOTICE of Additional Unproduced Brady Material by ETHAN NORDEAN re 122 MOTION for Bond and to reopen Detention Decision pursuant to § 3142(f) (Smith, Nicholas) (Entered: 09/15/2021)
09/15/2021		ENTERED IN ERROR..... MINUTE ORDER as to ETHAN NORDEAN (1) and JOSEPH RANDALL BIGGS (2) granting Nordean's 164 Motion to Access Sealed Portion of 9/13/21 Hearing Transcript, joined 165 by Biggs. For good cause shown, it is hereby ORDERED that the court reporter's notes and transcription of the sealed portion of the proceeding of September 13, 2021, be made available to Nordean and Biggs, while otherwise remaining under seal. Signed by Judge Timothy J. Kelly on 9/15/2021. (lctjk1) Modified to mark entry as error on 9/16/2021 (zkh). (Entered: 09/15/2021)
09/16/2021		MINUTE ORDER as to ETHAN NORDEAN (1) and JOSEPH R. BIGGS (2) granting Nordean's 164 Motion to Access Sealed Portion of 9/13/21 Hearing Transcript, joined 165 by Biggs. For good cause shown, it is hereby ORDERED that the court reporter's notes and transcription of the sealed portion of the proceeding of September 13, 2021, be made available to Nordean and Biggs, while otherwise remaining under seal. Signed by Judge Timothy J. Kelly on 9/16/2021. (lctjk1) (Entered: 09/16/2021)
09/16/2021	168	NOTICE of Filing of Memorandum Regarding Status of Discovery in January 6, 2021 Cases by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE re 120 Notice (Other). (Attachments: # 1 Memorandum Regarding Status of Discovery in January 6, 2021 Cases)(McCullough, Jason) (Entered: 09/16/2021)
09/17/2021	170	NOTICE of Recent Authority Relevant to Motions to Dismiss by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, CHARLES DONOHOE (Attachments: # 1 Exhibit Opinion and Order in U.S. v. Phomma (D. Or. Sept. 15, 2021))(Jones, Luke) (Entered: 09/17/2021)
09/17/2021	171	NOTICE of Correspondence to Defendants in Advance of September 21, 2021, Hearing on Motions to Dismiss by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHOE (Attachments: # 1 Exhibit Sept. 17, 2021 Letter to Defense Counsel)(Jones, Luke) (Entered: 09/17/2021)
09/19/2021	174	RESPONSE by ETHAN NORDEAN re 171 Notice (Other), re Government's Notice of New Section 231(a)(3) Argument and Effort to Transfer Defendant Rehl to D.C. Jail (Attachments: # 1 Exhibit 1)(Smith, Nicholas) (Entered: 09/19/2021)
09/20/2021	177	RESPONSE by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS re 174 and 175 Notice of Information Relevant to Bail Proceedings (ECF 174, 175) (Jones, Luke) Modified to add links on 9/21/2021 (znmw). (Entered: 09/20/2021)
09/20/2021	178	REDACTED TRANSCRIPT OF MOTION HEARING in case as to ETHAN NORDEAN before Judge Timothy J. Kelly held on 9-13-21; Page Numbers: 1-102; Date of Issuance: 9-20-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.

For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter.

NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.

Redaction Request due 10/11/2021. Redacted Transcript Deadline set for 10/21/2021. Release of Transcript Restriction set for 12/19/2021.(Miller, Timothy) (Entered: 09/20/2021)

09/20/2021	180	NOTICE <i>Regarding Discovery Correspondence</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE (Attachments: # 1 7/28/2021 Letter (All Defendants), # 2 7/28/2021 Letter (All Defendants), # 3 7/28/2021 Letter (All Defendants), # 4 7/29/2021 Letter (All Defendants), # 5 8/9/2021 Letter (Biggs), # 6 8/24/2021 Letter (All Defendants), # 7 9/9/2021 Letter (Biggs), # 8 9/9/2021 Letter (Nordean, Donohoe), # 9 9/11/2021 Letter (Nordean, Biggs, Donohoe), # 10 9/16/2021 Letter (Nordean), # 11 9/16/2021 Letter (Biggs, Rehl, Donohoe), # 12 9/16/2021 Letter (Rehl), # 13 9/16/2021 Letter (Rehl), # 14 9/20/2021 Letter (All Defendants), # 15 9/20/2021 Letter (Donohoe), # 16 9/20/2021 Letter (Nordean, Biggs, Rehl))(Jones, Luke) (Entered: 09/20/2021)
09/20/2021	181	RESPONSE by USA as to ETHAN NORDEAN re 166 Notice (Other) (McCullough, Jason) (Entered: 09/20/2021)
09/21/2021	182	SUPPLEMENT by ETHAN NORDEAN re 122 MOTION for Bond and to reopen Detention Decision pursuant to § 3142(f) <i>DECLARATION of Hendrik Block dated 9/21/21</i> (Smith, Nicholas) (Entered: 09/21/2021)
09/21/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference/Motion Hearing as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHUE (4) held on 9/21/2021. Defendant NORDEAN appeared by audio. Defendants BIGGS and DONOHUE appeared by video. Defendant REHL's Appearance was Waived. Oral argument heard on Defendant Nordean's 94 First MOTION to Dismiss Case, and taken under advisement. Speedy Trial Excludable (XT) started 9/21/2021 through 10/26/2021, in the interest of justice, as to ALL defendants. VTC Status Conference set for 10/26/2021 at 11:00 AM before Judge Timothy J. Kelly. Jury Selection/Trial set to commence on 5/18/2022 at 9:00 AM in the Ceremonial Courtroom before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 3-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 3-Jonathon Alden Moseley, 4-Lisa S. Costner and Ira Knight; US Attorneys: Jason Bradley Adam McCullough, Luke Matthew Jones, and James Pearce; Pretrial Officer: Christine Schuck. (zkh) (Entered: 09/21/2021)
09/28/2021		MINUTE ORDER as to ETHAN NORDEAN (1) denying as moot Nordean's 27 Motion for Bill of Particulars. In March, Nordean filed a motion for a bill of particulars regarding the first indictment, but the Government filed around the same time 26 the First Superseding Indictment. Nordean then filed in May a motion to compel and for a bill of particulars that this Court denied. See ECF 138 . Given both the First Superseding Indictment and this Court's 138 order, it is hereby ORDERED that Nordean's 27 Motion is DENIED AS MOOT. Signed by Judge Timothy J. Kelly on 9/28/2021. (lctjk1) (Entered: 09/28/2021)
09/28/2021		MINUTE ORDER as to ETHAN NORDEAN (1) denying as moot the Government's 92 Motion for Protective Order. Because this Court granted the Government's later filed Motion for Protective Order (<i>INTERIM</i>), see ECF 103 , it is hereby ORDERED that the Government's 92 Motion is DENIED AS MOOT. Signed by Judge Timothy J. Kelly on 9/28/2021. (lctjk1) (Entered: 09/28/2021)
09/28/2021		MINUTE ORDER as to ETHAN NORDEAN (1) granting Nordean's 49 Motion for Leave to File <i>Sur-Reply in Response to New Arguments Raised in Government's Reply in Support of Motion to Revoke Release Order</i> . It is hereby ORDERED, for good cause shown and <i>nunc pro tunc</i> , that Nordean's 49 motion for leave to file a sur-reply is GRANTED. The Clerk is directed to docket Nordean's sur-reply, ECF No. [49-1], with exhibit, ECF No. [49-2]. Signed by Judge Timothy J. Kelly on 9/28/2021. (lctjk1) Modified to provide additional instruction on 9/28/2021 (zkh). (Entered: 09/28/2021)
09/28/2021	189	SUR-REPLY by ETHAN NORDEAN re 30 MOTION to Revoke Pretrial Release (Attachments: # 1 Exhibit #1)(zltf) (Entered: 09/29/2021)
09/30/2021		MINUTE ORDER as to ETHAN NORDEAN (1): Currently pending before the Court are Nordean's 129 Motion to Remove Sensitivity Designation From Certain Capitol Videos Produced in Discovery, and the Press Coalition's 176 Motion to Intervene regarding the same. As noted in Chief Judge Howell's recent decision in <i>United States v. Torrens</i> , No. 21-cr-204, ECF No. 83 at 12, "many videos taken from the U.S. Capitol CCV system have been disclosed both through proceedings in the Capitol cases, and during former President Donald Trumps second impeachment proceedings." This Court therefore ORDERS the Government to file a status report by October 7, 2021, addressing whether the videos at issue have been released, if other footage from the same cameras has been released, if footage depicting the same area of the U.S. Capitol building has been released, and whether the Government still opposes Nordean's 129 Motion to Remove Sensitivity Designation. Signed by Judge Timothy J. Kelly on 9/30/2021. (lctjk1) (Entered: 09/30/2021)
10/05/2021	197	NOTICE of Brady material produced after September 13 bail hearing by ETHAN NORDEAN re 122 MOTION for Bond and to reopen Detention Decision pursuant to § 3142(f) (Smith, Nicholas) (Entered: 10/05/2021)
10/07/2021	199	MOTION for Extension of Time to File Status Report in re ECF 129 by USA as to ETHAN NORDEAN. (McCullough, Jason) (Entered: 10/07/2021)
10/08/2021		MINUTE ORDER as to ETHAN NORDEAN (1) granting the Government's 199 Motion for Extension of Time to File Status Report in re ECF 129 . It is hereby ORDERED, <i>nunc pro tunc</i> and for good cause shown, that the Government's motion for an extension is GRANTED. It is further ORDERED that the Government shall file the status report today, October 8, 2021. Signed by Judge Timothy J. Kelly on 10/8/2021. (lctjk1) (Entered: 10/08/2021)
10/08/2021	201	NOTICE of Multiple Government Plea Agreements Concerning Parading in the Capitol Offenses Involving Conduct More Serious Than Nordean's by ETHAN NORDEAN as to ETHAN NORDEAN re 94 First MOTION to Dismiss Case (Smith, Nicholas) Modified text to remove unassociated defendants on 10/12/2021 (zltf). (Entered: 10/08/2021)
10/08/2021	202	RESPONSE TO ORDER OF THE COURT by USA as to ETHAN NORDEAN re Order on Motion for Extension of Time,, Set/Reset Deadlines, (McCullough, Jason) (Entered: 10/08/2021)
10/11/2021		MINUTE ORDER as to ETHAN NORDEAN (1), DIRECTING the government, after consultation with and consent of the parties, promptly to make the videos at issue in Nordean's 129 Motion to Remove Sensitivity Designation, and the Press Coalition's 176 Motion to Intervene regarding the same, publicly available without restrictions by providing access using the "drop box" technical solution described in Standing Order 21-28, In re: Media Access to Video Exhibits in Pretrial Capitol Cases. It is further ORDERED that Nordean's 129 Motion to Remove Sensitivity Designation is GRANTED, and the Press Coalition's 176 Motion to Intervene is DENIED AS MOOT. Signed by Judge Timothy J. Kelly on 10/11/2021. (lctjk1) (Entered: 10/11/2021)
10/13/2021	206	NOTICE of Judge Lamberth's Contempt Order against Warden of D.C. Jail for Civil Rights Violation re January 6 Detainee by ETHAN NORDEAN as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE re 122 MOTION for Bond and to reopen Detention Decision pursuant to § 3142(f) (Smith, Nicholas) (Entered: 10/13/2021)
10/14/2021	207	NOTICE of Comprehensive January 6 Plea Agreement Database Published on 10/13/21 by ETHAN NORDEAN re 94 First MOTION to Dismiss Case (Attachments: # 1 Exhibit Jan 6 Plea Agreement Chart)(Smith, Nicholas) (Entered: 10/14/2021)
10/15/2021	209	NOTICE OF SUBSTITUTION OF COUNSEL as to USA. Attorney Kenerson, Erik Michael added. (Kenerson, Erik) (Entered: 10/15/2021)
10/25/2021		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), CHARLES DONOHUE (4): It is hereby ORDERED that the status conferences scheduled for tomorrow, October 26, 2021, at 10:00 a.m. and 11:00 a.m. are VACATED. The parties shall contact the Courtroom Deputy at (202) 354-3495 to set a new date. Signed by Judge Timothy J. Kelly on 10/25/2021. (lctjk1) (Entered: 10/25/2021)
10/25/2021	214	STATUS REPORT <i>Regarding Discovery as of October 21, 2021</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE (Jones, Luke) (Entered: 10/25/2021)
10/27/2021		NOTICE OF HEARING as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHUE (4): VTC Status Conference set for 11/3/2021 at 11:00 AM before Judge Timothy J. Kelly. (zkh) (Entered: 10/27/2021)
11/02/2021	216	NOTICE <i>Regarding Discovery Correspondence</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE (Attachments: # 1 9/21/2021 Letter (All Defendants), # 2 10/15/2021 Letter (All Defendants), # 3 10/21/2021 Letter (All Defendants))(Jones, Luke) (Entered: 11/02/2021)
11/03/2021		Minute Entry for proceedings held before Judge Timothy J. Kelly: VTC Status Conference as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHUE (4) held on 11/3/2021. Defendant NORDEAN appeared by audio. Defendants BIGGS and DONOHUE appeared by video. Defendant REHL's Appearance was Waived. Scheduling Order to be entered by the court. Speedy Trial Excludable (XT) started nunc pro tunc 10/26/2021 through 12/7/2021, in the interest of justice, as to ALL defendants. VTC Status Conference set for 12/7/2021 at 10:00 AM before Judge Timothy J. Kelly. Bond Status of Defendants: 1-Remains Committed, 2-Remains Committed, 3-Remains Committed, 4-Remains Committed; Court Reporter: Timothy Miller; Defense Attorneys: 1-David Benjamin Smith and Nicholas D. Smith, 2-John Daniel Hull, IV, 3-Jonathon Alden Moseley, 4-Lisa S. Costner and Ira Knight; US Attorneys: Luke Matthew Jones and Erik Michael Kenerson. (zkh) (Entered: 11/03/2021)
11/03/2021	217	NOTICE of Declaration of Judy Nordean re Additional Commitments Concerning Nordean's Proposed Release Conditions by ETHAN NORDEAN re 122 MOTION for Bond and to reopen Detention Decision pursuant to § 3142(f) (Smith, Nicholas) (Entered: 11/03/2021)
11/03/2021		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH RANDALL BIGGS (2), CHARLES DONOHUE (4): It is hereby ORDERED that the parties shall submit supplemental briefing on two issues related to the pending 94 First Motion to Dismiss. The parties' briefs shall address the following issues: First, as Defendant Nordean notes, several courts have construed "corruptly" to mean acting "with the intent to secure an unlawful advantage or benefit either for one's self or for another." See ECF No. 113 at 19 (citing cases); see also <i>United States v. Aguilar</i> , 515 U.S. 593, 616 (1995) (Scalia, J., concurring in part). Is this an appropriate definition of "corruptly" as the word is used in Section 1512(c)? And if the Court adopted that definition, would Section 1512(c)(2) cover the conduct alleged in the First Superseding Indictment? Second, the Government has argued that "corruptly" means acting "wrongfully" and "with an intent to obstruct." ECF No. 133-1 at 8. What does it mean to act "wrongfully"? Does someone act "wrongfully" merely acting "unlawfully," as the Government appears to

		suggest in its sur-reply, ECF No. 133-1 at 8, or is something more required? The Government shall submit its brief by November 17, 2021; Defendants shall file any response to the Government's brief by November 24, 2021; and the Government shall file any reply by December 3, 2021. Signed by Judge Timothy J. Kelly on 11/3/2021. (lctjk1) (Entered: 11/03/2021)
11/03/2021		MINUTE ORDER as to ETHAN NORDEAN (1), JOSEPH R. BIGGS (2), ZACHARY REHL (3), and CHARLES DONOHUE (4): It is hereby ORDERED, for the reasons explained on the record at the status conference today, that the time period from October 26, 2021 to December 7, 2021 is EXCLUDED under the Speedy Trial Act, 18 U.S.C. § 3161 <i>et seq.</i> The Court finds that the ends of justice served by this continuance outweigh the best interests of the public and Defendants in a speedy trial under 18 U.S.C. § 3161(h)(7)(A), for the reasons explained on the record: (1) the Government's ongoing production of voluminous discovery to Defendants; and (2) the public health limitations on the Court's ability to try a multi-defendant, six-week trial, as reflected in Standing Order No. 21-62: <i>In Re: Updated Status of Court Operations, including Jury Trials, and Speedy Trial Act Exclusions in Light of the Current Circumstances Relating to the COVID-19 Pandemic</i> , the findings of which the Court adopts after consideration of the specific circumstances of this case, and the Court's Continuity of Operations Plan referenced in that Order. The Court also notes, as acknowledged by the parties, that time is also excluded under the Speedy Trial Act during this time, in light of the Court's request for additional briefing on the pending 94 First Motion to Dismiss. <i>See</i> 18 U.S.C. § 3161(h)(1)(D). Signed by Judge Timothy J. Kelly on 11/3/2021. (lctjk1) (Entered: 11/03/2021)
11/05/2021	218	STATUS REPORT <i>Regarding Discovery as of November 5, 2021</i> by USA as to ETHAN NORDEAN, JOSEPH R. BIGGS, ZACHARY REHL, CHARLES DONOHUE (Jones, Luke) (Entered: 11/05/2021)
11/10/2021	219	TRANSCRIPT OF STATUS CONFERENCE in case as to ETHAN NORDEAN before Judge Timothy J. Kelly held on 11-3-21; Page Numbers: 1-36; Date of Issuance: 11-10-21; Court Reporter: Timothy R. Miller, Telephone Number (202) 354-3111. Transcripts may be ordered by submitting the Transcript Order Form For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi-page, condensed, CD or ASCII) may be purchased from the court reporter. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty-one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov . Redaction Request due 12/1/2021. Redacted Transcript Deadline set for 12/11/2021. Release of Transcript Restriction set for 2/8/2022.(Miller, Timothy) (Entered: 11/10/2021)

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