

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

UNITED STATES)	
)	
v.)	1:21-cr-38
)	
BARNETT)	
_____)	

**DEFENDANTS TO STRIKE GOVERNMENT’S OPPOSITION TO THE DEFENDANT’S
POST-VERDICT RULE 29 AND RULE 33 MOTIONS**

Defendant, through counsel, hereby files this motion to strike the Government’s Opposition to the Defendant’s Post-verdict Rule 29 and Rule 33 Motions.

Defendant filed two motions, a Rule 29, ECF No. 175, and Rule 33, ECF No. 174. Pursuant to the LCrR 47(e), “A memorandum of points and authorities in support of or in opposition to a motion shall not exceed 45 pages and a reply memorandum shall not exceed 25 pages, without prior approval of the Court. Documents that fail to comply with this provision shall not be filed by the Clerk. The page limit for responsive motions is 45 pages.”

The Government asked for an extension to file “responses.” ECF No. 176.

Defendant did not oppose the motion to extend time and was under the impression, as the motion’s title stated, that two separate “responses” would be filed by the Government.

On March 5, the Government filed a single motion exceeding the 45 page limit without leave of the court.

Moreover, the Government combined its responses to Defendant’s Rule 29 and Rule 33 Motions into a single omnibus motion.

As the Government did not request leave to combine its motions or to extend the page limit, the Defendant respectfully requests that the Court strike this motion and issue an order requiring the Government to file two separate motions.

The Defense team objects to the single omnibus motion because the Defense team has separate motion writing efforts and it is unduly burdensome to respond to an omnibus motion.

CONCLUSION

For the foregoing reasons, Count One should be dismissed with prejudice.

Dated: March 6, 2023

Respectfully submitted,

/s/ Jonathan S. Gross /s/
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CERTIFICATE OF SERVICE

I hereby certify on this 6th day of March 2023, a copy of the foregoing was served upon all parties as forwarded through the Electronic Case Filing (ECF) System.

/s/ Jonathan Gross, Esq

Jonathan Gross, Esq.