

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

PROPOSED ORDER

Having considered the information set forth in the parties' joint status report filed on June 29, 2022, and for good cause shown, it is hereby **ORDERED** that the following deadlines shall apply to the trial that is scheduled for December 12, 2022:

Defendants' Motions to Dismiss

1. Defendants shall file any motions to dismiss, including motions to dismiss Counts One (18 U.S.C. § 2384) or Four (18 U.S.C. § 372) on or before August 19, 2022. The government shall file its response(s) on or before September 2, 2022.¹ The Defendants shall file any replies on or before September 12, 2022. A hearing on the motions to dismiss shall take place on September [28, 29, 30], 2022 at ____ a.m. / p.m.

Government Exhibits and Witnesses

2. The government shall provide Defendants with preliminary exhibit and witness lists on or before August 19, 2022. The government's preliminary exhibit list shall be provided to Defendants along with exemplar summary exhibits that it intends to use at trial. The government shall provide Defendants with updated preliminary exhibit and witness lists on or before

¹ In the event that Defendants file motions prior to August 4, 2022, the Court hereby directs that the government's response shall not be due until August 18, 2022. *See* LCrR 47(b).

September 30, 2022, along with copies of the listed preliminary exhibits, including videos and transcripts.

3. Defendants shall file any motion *in limine* to exclude, limit or modify the government's proposed exhibits by October 14, 2022. The government shall file its response(s) on or before October 28, 2022.² Defendants shall file any replies by November 4, 2022. An in-person hearing on the motion shall be scheduled for November [10], 2022 at [____] a.m. / p.m. in Courtroom [____].

4. The government shall provide final exhibit and witness lists one week before the pre-trial conference.

Defendants' Motions to Change Venue

5. Defendants shall file any supplement to its motions to change venue on or before September 30, 2022. The government shall file its response(s) on or before October 14, 2022.³ The Defendants shall file any replies on or before October 21, 2022. A hearing on any motion to change venue shall take place on October 28, 2022 at ____ a.m. / p.m.

Joint Pre-Trial Materials to be Submitted By the Parties

6. By no later than September 30, 2022, the government shall provide Defendants with a list of prior convictions that the government intends to use for impeachment or any other purpose. On October 14, 2022, Defendant shall identify any specific objections to the use of prior

² In the event that Defendants file motions prior to October 14, 2022, the Court hereby directs that the government's response shall not be due until October 28, 2022. *See* LCrR 47(b).

³ In the event that Defendants file motions prior to September 30, 2022, the Court hereby directs that the government's response shall not be due until October 14, 2022. *See* LCrR 47(b).

convictions. On October 28, 2022, the parties shall jointly submit to the Court such prior convictions and specific objections (if any).

7. By no later than October 14, 2022, the parties shall provide the opposing party with the following materials:

- a. A one-paragraph joint statement of the case for the Court to read to prospective jurors; and
- b. Proposed items to be included on a jury questionnaire (*i.e.*, voir dire) to be administered to prospective jurors.

On October 28, 2022, the parties shall jointly submit to the Court items (a) – (b). The parties shall identify any items on which the parties disagree with specific objections noted below each disputed question and supporting legal authority (if any).

8. By no later than October 14, 2022, the parties shall provide the opposing party proposed jury instructions and a proposed verdict form. On October 28, 2022, the parties shall jointly submit proposed jury instructions and a proposed verdict form to the Court and indicate:

- c. The instructions to which the parties agree;
- d. The instructions to which the parties disagree, with specific objections noted below each disputed instruction and supporting legal authority (if any);
- e. The proposed instruction's source (e.g., the Red Book, Matthew Bender's Federal Jury Instructions), or, for modified or new instructions, its supporting legal authority;
- f. A proposed verdict form that includes a date and signature line for the jury foreperson, as well as proposed special interrogatories (if any); and
- g. A list of lesser included offenses for which any party may seek a jury instruction.

Pretrial Motions

9. The government shall file a motion *in limine* concerning the admissibility of statements on October 7, 2022. Defendants shall file any response(s) on or before October 21, 2022. The government shall file any reply on or before October 28, 2022. An in-person hearing on the motion shall be scheduled for November [10], 2022 at [] a.m. / p.m. in Courtroom [].

10. The parties shall file any remaining pre-trial motions, including motions to suppress and motions *in limine*, on or before October 14, 2022; oppositions to the motions filed shall be due on October 28, 2022;⁴ and replies shall be filed by November 4, 2022. An in-person hearing on the motion shall be scheduled for November 18, 2022 at [] a.m. / p.m. in Courtroom [].

Expert Witnesses

11. The parties shall provide notice of any expert witnesses on or before September 30, 2022. Any expert reports shall be filed by October 7, 2022.

12. Any motion concerning expert witnesses shall be due on or before October 14, 2022; oppositions to the motions filed shall be due on October 28, 2022; and replies shall be filed by November 4, 2022. An in-person hearing on the motion shall be scheduled for November 18, 2022 at [] a.m. / p.m. in Courtroom [].

Pre-Trial Conference

13. The pre-trial conference shall be scheduled for November 18, 2022, at [] a.m. / p.m. in Courtroom [].

Impeachment Materials and Witness Statements

14. The government shall provide any impeachment materials related to any individuals whom the government intends to call as witnesses by 14 days before the start of trial.

⁴ In the event that any party files its motion(s) prior to October 14, 2022, the Court hereby directs that the opponent's response shall not be due until October 28, 2022. See LCrR 47(b).

15. The government shall provide witness statements pursuant to 18 U.S.C. § 3500 and Federal Rule of Criminal Procedure 26.2 by 14 days before the start of trial.

SO ORDERED.

HONORABLE TIMOTHY J. KELLY
United States District Judge

Date: _____, 2022