

**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.	:	

STATUS REPORT REGARDING SCHEDULE FOR POST-TRIAL PROCEEDINGS

On June 4, 2023, Carmen Hernandez, counsel of record for defendant Zachary Rehl, moved to withdraw as counsel. ECF 811. The following day, on June 5, attorney Norm Pattis, who represents codefendant Joseph Biggs, filed a motion to appear as lead counsel on Rehl’s behalf. ECF 812. On June 6 and June 9, the government filed its responses regarding the conflict posed by Attorney Norm Pattis’s simultaneous representation of codefendants Biggs and Rehl for the purposes of post-trial motions and sentencing. ECF 815 and 816. On June 12, attorney Norm Pattis filed his response to the government’s filing. ECF 817.

On June 23, 2023, the Court held a hearing to resolve the issues presented by Attorney Norm Pattis’s simultaneous representation of codefendants Biggs and Rehl for the purposes of post-trial motions and sentencing. During the hearing, the Court found that Attorney Norm Pattis could engage in simultaneous representation of Biggs and Rehl for purposes of post-trial motions and sentencing and that defendants Biggs and Rehl had made a knowing waiver of all potential conflicts. The Court ordered the government and Attorney Pattis to submit a joint proposed Post-Trial Motion Schedule for Defendants Biggs and Rehl and requested that the parties endeavor to align the briefing schedule with defendants Tarrío, Nordean, and Pezzola.

The Current Schedule

The parties note that the schedule for post-trial motions for Tarrío, Nordean, and Pezzola currently directs the three defendants to file any post-trial motions by June 21, 2023; the Government to file its opposition to post trial motions filed by Nordean (ECF 822), Tarrío (ECF 823), and Pezzola (ECF 824¹) by July 12, 2023; and the three defendants to reply by July 28, 2023.

The Proposed Schedule

Attorney Pattis represents that he can file his post-trial motions on behalf of Biggs and Rehl by Thursday, July 6. The government respectfully requests an eight-day (8 day) extension to the original schedule and that it be permitted to file its opposition to all defendants' motions by Thursday, July 20; and that the Court order all defendants' replies due by Friday, August 4. Attorney Pattis joins the request to adjust the schedule.

The government notes that this schedule will complete briefing for all defendants only one week later than anticipated under the Court's Minute Order of June 15, 2023, and well before Sentencing Memoranda are due on August 17.

Attorney Steven Metcalf (on behalf of defendant Pezzola) do not oppose the proposed schedule. Attorney Nick Smith (on behalf of defendant Nordean) and Attorneys Nayib Hassan and Sabino Juaregi (on behalf of defendant Tarrío) do not oppose the proposed schedule so long as it does not delay the sentencing dates scheduled in this matter.

* * *

¹ Defendants Tarrío and Pezzola filed their motions on June 22, 2023—one day after the deadline originally set by the Court.

Respectfully submitted,

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