

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

_____	)	
UNITED STATES OF AMERICA,	)	
	)	
v.	)	
	)	Crim. Action No. 21-0246 (ABJ)
DANIEL RODRIGUEZ,	)	
EDWARD BADALIAN,	)	
	)	
Defendants.	)	
_____	)	

**SCHEDULING ORDER**

After considering the matters discussed at the status conference held in this case on September 13, 2022, it is **ORDERED** that the following schedule will apply:

- 1) Any **motion for use of a written jury questionnaire** must be filed by October 7, 2022. The oppositions are due by October 21, 2022, and replies are due by October 28, 2022.
- 2) A **status conference** will be held on November 3, 2022 at 2 p.m. by videoconference.
- 3) The **notice of any evidence the government intends to seek to introduce pursuant to Fed. R. Evid. 404(b) or prior convictions it would seek to use for impeachment under Fed. R. Evid. 609** must be filed by December 15, 2022. The oppositions are due by January 13, 2023, and replies are due by January 20, 2023.
- 4) **Motions in limine** on behalf of either party must be filed by December 15, 2022. Oppositions are due by January 13, 2023, and replies are due by January 20, 2023.
- 5) The parties must jointly file a single **Joint Pretrial Statement** by January 30, 2023.
- 6) Electronic and paper copies of all exhibits must be delivered to chambers and to the Deputy Clerk in the format set out below by February 1, 2023.
- 7) The **pretrial conference** will be held on February 9, 2023 at 10 a.m. in person.
- 8) **Trial** will commence on February 27, 2023 at 9:30 a.m.

Any motion to extend a date for the submission of a pleading to the Court must be filed at least two business days before the date to be extended.

All pleadings must conform to the requirements concerning formatting and fonts set forth in Local Civil Rule 5.1(d).

### JOINT PRETRIAL STATEMENT

The Joint Pretrial Statement must include:

- a) a concise **joint statement of the case** for the Court to read to prospective jurors;
- b) an **estimate of the number of days** the trial is anticipated to last;
- c) a list of all outstanding **motions in limine**;
- d) **proposed voir dire questions** (which must be in the form of yes or no questions in accordance with the attached description of the Court's Criminal Voir Dire Procedure, and should NOT include follow-up questions) that indicate:
  - i. the *voir dire* questions on which the parties agree; and
  - ii. the *voir dire* questions on which the parties disagree, with specific objections noted below each disputed question and supporting legal authority (if any);
- e) **proposed jury instructions** that indicate:
  - i. the instructions on which the parties agree; and
  - ii. the instructions on which the parties disagree, with specific objections noted below each disputed instruction and supporting legal authority.
  - iii. Any agreed or proposed instructions contained in the Standardized Criminal Jury Instructions for the District of Columbia must not be separately provided but should be identified by number. Any other proposed instructions must be provided to the Court in their entirety and should be formatted so that each individual jury instruction begins on a new page, with the source and supporting authority noted at the bottom of the page, followed by any objections and the grounds therefor.
- f) **a list of witnesses or potential witnesses** to be read to the jury in connection with voir dire;

- g) **a list of expert witnesses**, if any, accompanied by a brief description of each witness's area of expertise and expected testimony, followed by specific objections (if any) to each witness;
- h) **a list of prior convictions**, if any, that the government intends to use for impeachment or any other purpose, followed by any specific objections to that use;
- i) **a list of exhibits** that each party intends to offer in its case-in-chief during trial, **that identifies each exhibit by number and specifies those exhibits to which there is an objection, and the basis for the objection**, e.g., "hearsay," or "F.R.E. 403," without further argument;
  - i. Exhibits will be presumed authentic unless an objection to their authenticity is noted on the Joint Pretrial Statement. The exhibit list shall be a separate attachment to the Joint Pretrial Statement.
  - ii. Any objections on completeness grounds pursuant to F.R.E. 106 must be noted in the exhibit list, and the party seeking to require the introduction of any other part of a writing or recorded statement must provide a copy of the material the party maintains in fairness ought to be considered at the same time on the date the exhibits are delivered to chambers.
  - iii. A party may choose to identify additional exhibits it anticipates will be used for purposes of impeachment, but those exhibits should be clearly identified on the list as items the party is NOT seeking to admit in its case-in-chief.
- j) any **stipulations**, signed by counsel and the defendant;
- k) a list of any **matters of which the parties seek the Court to take judicial notice**, along with the proposed language; and
- l) **a proposed verdict form**, as well as proposed special interrogatories (if any), that includes a date and signature line for the jury foreperson. The verdict form should also be a separate attachment to the Joint Pretrial Statement.

### FORMAT OF EXHIBITS


Counsel for each party must deliver to chambers copies of all exhibits the party will seek to introduce – pre-marked with their exhibit numbers – in electronic form on a thumb drive (or

multiple thumb drives) **and** in paper form in a binder (or set of binders) divided by numbered tabs with table of contents for each binder.

A second set of the thumb drives containing the exhibits in electronic form must be delivered to the Court's Deputy Clerk.

For the electronic copies, exhibits must be saved as a separate PDF labeled by exhibit number and short description (for example: Def.'s Ex. 27, Email of 11/28/2006). For the paper copies, exhibits in binders must be divided by numbered tabs, with a table of contents in each binder. Binders may not be larger than 3 inches. Exhibit binders must be labelled on both the front and the spine of the binder with the name of the party, volume number, and the numbers of the exhibits found inside (for example: Defendant's Exhibits Vol. I, Ex. 1 – 27).

**SO ORDERED.**

  
AMY BERMAN JACKSON  
United States District Judge

DATE: September 14, 2022