

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA :  
 :  
 v. : Criminal No. 21-CR-00338-TFH  
 :  
 DOVID SCHWARTZBERG, :  
 :  
 Defendant. :  
 :

**JOINT MOTION TO CONTINUE JANUARY 6, 2022 STATUS  
HEARING AND TO EXCLUDE TIME UNDER THE SPEEDY TRIAL ACT**

The United States of America and Defendant, Dovid Schwartzberg, through counsel hereby move this Court for a 60-day continuance of the Status Conference set for January 6, 2022, and further to exclude the time within which the trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, on the basis that the ends of justice served by taking such actions outweigh the best interest of the public and the defendant in a speedy trial pursuant to the factors described in 18 U.S.C. § 3161(h)(7)(A), (B)(i), (ii), and (iv). In support of its motion, the parties state as follows:

1. Defendant is charged by Information with four misdemeanor offenses related to crimes that occurred at the United States Capitol on January 6, 2021.
2. Since Defendant's Arraignment, the Government has continued to provide discovery as it becomes available. Specifically, the Government has provided substantial, individualized discovery addressing Mr. Schwartzberg's conduct on January 6, 2021. The Government also has provided substantial discovery from other sources.
3. The parties also have been working toward resolution of this matter without a trial. However, those negotiations are ongoing. Defense counsel has been seeking medical records which he believes are relevant to the parties' negotiations, but this has taken several

months and continues. Nothing has been provided to the Government for its review or consideration. The parties therefore need additional time to work through their plea discussions and attempt to resolve this case without a trial.

4. The parties have conferred on the case status and agreed that a 60-day continuance of the Status Hearing set for January 6 would assist in furthering the parties' plea negotiations and allow sufficient time for the Government to continue providing discovery and affording defense counsel sufficient time to review and process those disclosures. The parties also agreed to toll the Speedy Trial Act from the date this Court enters an Order on this motion through and including the date of the next Status Hearing. The parties further request that the Court conduct the next Status Hearing via videoconference.

Accordingly, the parties respectfully request that this Court grant the motion to continue the Status Hearing set for January 6, 2022, for an additional 60 days from the date this Court enters an Order on this motion through and including the date of the next hearing, and that the Court exclude the time within which the trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, on the basis that the ends of justice served by taking such actions outweigh the best interest

of the public and Defendant in a speedy trial pursuant to the factors described in 18 U.S.C. § 3161(h)(7)(A), (B)(i), (ii), and (iv).

Respectfully submitted,

/s/

Steven Y. Yurowitz  
Newman & Greenberg LLP  
950 Third Avenue – 32nd Floor  
New York, NY 10022  
Telephone No. (212) 308-7900  
[syurowitz@newmangreenberg.com](mailto:syurowitz@newmangreenberg.com)

and

MATTHEW M. GRAVES  
United States Attorney  
DC Bar No. 481052

By: /s/ Monica A. Stump  
Monica A. Stump  
Assistant United States Attorney  
PA Bar Number 90168  
District of Columbia  
Capitol Riot Detailee  
Nine Executive Drive  
Fairview Heights, IL 62208  
Telephone No. (618) 622-3860  
[monica.stump@usdoj.gov](mailto:monica.stump@usdoj.gov)