

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 21-0507 (PLF)
	)	
STEPHANIE MARYLOU BAEZ,	)	
	)	
Defendant.	)	
_____	)	

SCHEDULING ORDER

On June 9, 2022, at defendant Stephanie Baez’s request, the Court scheduled a four-day bench trial in this case, to begin on November 29, 2022. See June 9, 2022 Minute Entry. The Court ordered the parties to meet and confer and to submit a joint status report with a proposed schedule for further status conferences and the filing of pretrial motions, including any motions to dismiss the case, motions for change of venue, motions in limine, and Daubert motions. See id. On July 15, 2022, the parties jointly submitted a proposed scheduling order that set forth proposed dates for an additional status conference, the final pretrial conference, the filing of pretrial motions, the exchange of exhibit lists and witness lists, the disclosure of expert witnesses, and the final disclosure of Brady and Rule 404(b) evidence. See Notice of Submission of Joint Proposed Scheduling Order [Dkt. No. 25].

After careful consideration of the parties’ proposed scheduling order, the Court adopts some aspects of the parties’ joint proposed schedule, but is unable to accommodate others. Accordingly, it is hereby

ORDERED that the proceedings in this case shall be governed by the following schedule:

1. TRIAL. A bench trial in this matter will commence on November 29, 2022, at 10:00 a.m. in Courtroom 29 in the William B. Bryan Annex to the E. Barrett Prettyman Courthouse with opening statements and will continue each weekday at 10:00 a.m. until concluded.

2. STATUS CONFERENCE. A status conference will be held on September 23, 2022, at 2:00 p.m., via Zoom videoconference.

3. FINAL PRETRIAL CONFERENCE. The final pretrial conference will be held on November 14, 2022, at 10:30 a.m. via Zoom videoconference. The Court will rule on any objections to proposed exhibits, see infra ¶ 10, to the extent possible at the pretrial conference, hearing argument as necessary.

4. MOTIONS TO SUPPRESS. Any motions to suppress statements or tangible evidence shall be filed on or before September 2, 2022. Oppositions to motions to suppress shall be filed on or before September 16, 2022, and any replies in support of motions to suppress shall be filed on or before September 23, 2022. The Court will hear any witness testimony, consider non-testimonial evidence, and hear oral argument on any motions to suppress on October 3, 2022, at 10:30 a.m. If witness testimony will be required, the Court will convene an in-person or hybrid hearing. Otherwise, the Court will convene via Zoom videoconference.

5. PRETRIAL MOTIONS. Any pretrial motions raising purely legal issues – including but not limited to motions to dismiss the case and motions for change of venue – shall be filed on or before September 16, 2022. Oppositions to any such pretrial motions shall be filed on or before September 30, 2022, and any replies in support of such pretrial motions shall be filed on or before October 7, 2022. The Court will hear any argument on any such pretrial motions on October 14, 2022, at 10:00 a.m. via Zoom videoconference.

6. EXPERT WITNESSES. The parties shall disclose any expert witnesses accompanied by a brief description of each witness's area of expertise and expected testimony on or before September 30, 2022.

7. MOTIONS IN LIMINE AND DAUBERT MOTIONS. Any motions in limine and Daubert motions shall be filed on or before October 7, 2022. Oppositions to any such motions shall be filed on or before October 21, 2022, and any replies in support of such motions shall be filed on or before October 28, 2022. The Court will hear any argument on any motions in limine and Daubert motions on November 10, 2022, at 2:00 p.m. If witness testimony will be required to resolve any Daubert motions, the Court will convene an in-person or hybrid hearing. Otherwise, the Court will convene via Zoom videoconference.

8. RULE 404(B) NOTICE. The United States shall provide notice to Ms. Baez of any evidence it intends to offer pursuant to Rule 404(b) of the Federal Rules of Evidence on or before October 21, 2022.

9. BRADY AND GIGLIO EVIDENCE. The United States is under a continuing and ongoing obligation to provide defense counsel any favorable or exculpatory information (Brady) as it becomes available, whether it is admissible or not. Brady information must be disclosed on a rolling basis as "the duty to disclose is ongoing." Pennsylvania v. Ritchie, 480 U.S. 39, 60 (1987); see also LCrR 5.1(a) ("[T]he government shall make good-faith efforts to disclose [Brady] information to the defense as soon as reasonably possible after its existence is known, so as to enable the defense to make effective use of the disclosed information in the preparation of its case." (emphasis added)). The Court hereby admonishes the United States that it is bound by this Court's rulings regarding the definition of exculpatory information and the government's obligation to timely disclose any such exculpatory information. See United States

v. Safavian, 233 F.R.D. 12, 16 (D.D.C. 2005) (“[T]he government must always produce any potentially exculpatory or otherwise favorable evidence without regard to how the withholding of such evidence might be viewed – with the benefit of hindsight – as affecting the outcome of trial.” In addition, to the extent it has not already done so, the United States must disclose information that may be useful for impeachment or may otherwise affect the credibility of any government witness (Giglio) – including Lewis material – on or before November 15, 2022. See United States v. Celis, 608 F.3d 818, 835-36 (D.C. Cir. 2010). Giglio obligations are also ongoing. The United States may request a protective order to preclude defense counsel from sharing Giglio information with Ms. Baez or others.

10. EXHIBIT LISTS. The parties shall exchange lists of exhibits they intend to use in their cases-in-chief on or before October 31, 2022. The written exhibit lists must contain a brief description of each exhibit. The parties shall file any objections to the admissibility of exhibits, to the extent practicable, on or before November 7, 2022. All exhibits are to be marked in advance of trial and listed in order on the exhibit form obtained from the Courtroom Deputy Clerk. On or before November 23, 2022, counsel shall furnish opposing counsel with a copy of their pre-marked exhibits and shall deliver to the Court two sets of binders containing their exhibit lists and copies of their pre-marked exhibits.

11. WITNESS LISTS. The parties shall exchange lists of witnesses intended to be called in their cases-in-chief on or before November 15, 2022. On that date, the United States shall also provide to Ms. Baez all Brady or Giglio material not previously disclosed pertaining to each witness on its witness list. Counsel will not be limited to calling only those witnesses listed and will not be required to call their witnesses in the sequence listed. In some cases, security concerns may justify nonidentification of witnesses by the United States until shortly before they

are called to testify. In this situation, the United States will include the number of unidentified witnesses in its witness list and separately identify those witnesses in a filing under seal.

Defense counsel shall not publicly disseminate the names of those witnesses.

In summary, this case will proceed pursuant to the following schedule:

Date	Description
September 2, 2022	The parties shall file any motions to suppress statements or tangible evidence. <u>See supra</u> ¶ 4.
September 16, 2022	The parties shall file oppositions to motions to suppress statements or tangible evidence. <u>See supra</u> ¶ 4.  The parties shall file any pretrial motions raising purely legal issues, including but not limited to motions to dismiss the case and motions for change of venue. <u>See supra</u> ¶ 5.
September 23, 2022	The parties shall file any replies in support of motions to suppress statements or tangible evidence. <u>See supra</u> ¶ 4.
September 23, 2022, at 2:00 p.m.	Status Conference. <u>See supra</u> ¶ 2.
September 30, 2022	The parties shall file oppositions to pretrial motions raising purely legal issues. <u>See supra</u> ¶ 5.  The parties shall disclose any expert witnesses. <u>See supra</u> ¶ 6.
October 3, 2022, at 10:30 a.m.	Motions hearing for any motions to suppress. <u>See supra</u> ¶ 4.
October 7, 2022	The parties shall file any replies in support of pretrial motions raising purely legal issues. <u>See supra</u> ¶ 5.  The parties shall file any motions <u>in limine</u> and <u>Daubert</u> motions. <u>See supra</u> ¶ 7.

October 14, 2022, at 10:00 a.m.	Motions hearing for any pretrial motions raising purely legal issues. <u>See supra</u> ¶ 5.
October 21, 2022	The parties shall file oppositions to motions <u>in limine</u> and <u>Daubert</u> motions. <u>See supra</u> ¶ 7.  The United States shall provide its Rule 404(b) notice to Ms. Baez. <u>See supra</u> ¶ 8.
October 28, 2022	The parties shall file any replies in support of motions <u>in limine</u> and <u>Daubert</u> motions. <u>See supra</u> ¶ 7.
October 31, 2022	The parties shall exchange exhibit lists. <u>See supra</u> ¶ 10.
November 7, 2022	The parties shall file any objections to the admissibility of exhibits, to the extent practicable. <u>See supra</u> ¶ 10.
November 10, 2022, at 2:00 p.m.	Motions hearing for any motions <u>in limine</u> and <u>Daubert</u> motions. <u>See supra</u> ¶ 7.
November 14, 2022, at 10:30 a.m.	Final Pretrial Conference. <u>See supra</u> ¶ 3.
November 15, 2022	The parties shall exchange witness lists. <u>See supra</u> ¶ 11.  The United States shall provide to Ms. Baez all <u>Brady</u> and <u>Giglio</u> evidence not previously disclosed related to the witnesses on its witness list, as well as any other <u>Brady</u> and <u>Giglio</u> information not previously disclosed. <u>See supra</u> ¶¶ 9, 11.
November 23, 2022	The parties shall furnish opposing counsel with a copy of their pre-marked exhibits and shall deliver to the Court two sets of exhibit lists and pre-marked exhibits. <u>See supra</u> ¶ 10.

<p>November 29, 2022, at 10:00 a.m.</p>	<p>Trial will commence in Courtroom 29 in the William B. Bryant Annex to the E. Barrett Prettyman Courthouse with opening statements and will continue each weekday at 10:00 a.m. until concluded. <u>See supra</u> ¶ 1.</p>
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SO ORDERED.

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PAUL L. FRIEDMAN  
United States District Judge

DATE: August 5, 2022