

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal No. 21-CR-0575 (EGS)
	:	
DAVID JOHN LESPERANCE	:	
CASEY CUSICK	:	
JAMES VARNELL CUSICK JR.	:	

STATUS REPORT

Pursuant to the Court’s Minute Orders of November 30, and December 1, 2021, undersigned counsel proposes that by February 1, 2022, she believes she should be able to complete a conflicts evaluation and prepare a written report and recommendation to the Court regarding whether John Pierce’s representation of David John Lesperance, Casey Cusick and James Varnell Cusick, Jr., in this matter creates a conflict between any of them and Mr. Pierce, and if so, whether the codefendants can waive any conflict that may exist.

By way of explanation for the February 1, 2022, proposed date, undersigned counsel states that her preliminary review of the relevant Rules of Professional Conduct, *i.e.*, Rule 1.7 (Conflict of Interest: General Rule), and Rule 1.8 (Conflict of Interest: Specific Rules) will necessitate her speaking directing with each David John Lesperance, Casey Cusick, and James Varnell Cusick, Jr., as well as with John Pierce with respect to his compensation for representing he three co-defendants in the above-captioned matter. *See*, Rule of Professional Conduct 1.8 (e) (regarding compensation from someone other than the client being represented). As such, undersigned counsel anticipates needing contact information for each David John Lesperance, Casey Cusick, and James Varnell Cusick, Jr., as well as for John Pierce. Moreover, because each of the three co-defendants is a

represented party and undersigned counsel will need to speak with them regarding the matter in which they are represented, undersigned counsel respectfully requests an Order from the Court authorizing such direct communication with represented parties regarding the matters in which they are represented so as not to run afoul of Rule of Professional Conduct 4.2¹ and further respectfully requests an Order authorizing the Pretrial Services Agency to disclose contact information for each of the three co-defendants to undersigned counsel.

Finally, as further explanation for the request that her written report and recommendation to the Court not be due before February 2022, undersigned counsel states that although she was contacted about this matter on November 12, 2021, she was not directly informed that she actually had been appointed. Rather, only on December 9, 2021, when she happened to look at the docket in this case on PACER did undersigned counsel realize that she had, in fact, been appointed as conflict attorney in this matter. As a result, undersigned counsel did not devote any time to her duties as conflict counsel in the ten days between the November 30, 2021, minute order and December 9, 2021, when she first learned she had been appointed. Additionally, between January 4 and 21, 2022, undersigned counsel is committed to be out of the jurisdiction teaching a trial practice course in the January intersession term at Harvard Law School, and so will have limited time to devote to the conflict issue, and during those weeks in January also has a filing obligation in another case in the United States District Court for the District of Columbia in anticipation of a hearing in that case on January 28.

¹**Rule 4.2: Communication Between Lawyer and Person Represented by Counsel:** (a) During the course of representing a client, a lawyer shall not communicate or cause another to communicate about the subject of the representation with a person known to be represented by another lawyer in the matter, unless the lawyer has the prior consent of the lawyer representing such other person or is authorized by law or **a court order to do so**. (emphasis supplied).

Dated: December 10, 2021

Respectfully submitted,

s/Santha Sonenberg

Santha Sonenberg (D.C. Bar No. 376-188)
(202) 494-7083
santhasonenberg@yahoo.com

CERTIFICATE OF SERVICE

Notwithstanding the automatic service of pleadings by the electronic case filing system (ECF), out of an abundance of caution this is to certify that on December 10, 2021, a copy of the foregoing Status Report has been delivered by electronic mail to Anne P. McNamara at anne.mcnamara2@usdoj.gov, Assistant United States Attorney, Office of the United States Attorney, 555 Fourth Street, N.W., Washington, D.C. 20001 but because she has been unable to locate contact information for John Pierce, has been unable to serve the foregoing status report on John Pierce.

s/ Santha Sonenberg

Santha Sonenberg