

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

THERESE BORGERDING,

Defendant.

Criminal Action No. 21-631 (TJK)

SCHEDULING ORDER

Upon consideration of the parties' joint proposed pretrial and trial schedule, it is hereby **ORDERED** that:

1. The United States shall notify Defendant of its intention to introduce any 404(b) evidence by September 1, 2023;
2. The parties shall file any pretrial motions, including motions pursuant to Fed. R. Crim. P. 12 and motions *in limine*, by October 9, 2023; oppositions to the motions shall be filed by November 6, 2023; and any replies shall be filed by November 13, 2023;
3. The parties shall file on the docket and submit to chambers in Microsoft Word format at Kelly_Chambers@dcd.uscourts.gov a Joint Pretrial Statement, which shall include the information set forth in Attachment A to this Order, by December 4, 2023;
4. The parties shall appear for a motions hearing and pretrial conference on January 8, 2024, at 10:00 a.m. in Courtroom 11; and
5. Jury selection and trial shall commence on January 16, 2024, at 9:00 a.m. in Courtroom 11.

SO ORDERED.

/s/ Timothy J. Kelly
TIMOTHY J. KELLY
United States District Judge

Date: July 16, 2023

Attachment A

The Joint Pretrial Statement shall include the following:

- a. A one-paragraph joint statement of the case for the Court to read to prospective jurors;
- b. An estimate of the number of days trial is anticipated to last;
- c. A list of all outstanding motions in limine;
- d. Proposed voir dire questions that include:
 - i. The *voir dire* questions on which the parties agree; and
 - ii. The *voir dire* questions in which the parties disagree, with specific objections noted below each disputed question and supporting legal authority (if any);
- e. Proposed jury instructions, which are formatted so that each instruction begins on a new page, and indicate:
 - i. The instructions to which the parties agree;
 - ii. The instructions to which the parties disagree, with specific objections noted below each disputed instruction and supporting legal authority (if any); and
 - iii. The proposed instruction's source (e.g., the Red Book, Matthew Bender's Federal Jury Instructions), or, for modified or new instructions, its supporting legal authority;
- f. A list of any expert witnesses the parties intend to call, accompanied by disclosures mandated by Federal Rules of Criminal procedure 16(a)(1)(G) and (b)(1)(C);
- g. A list of prior convictions that the government intends to use for impeachment or any other purpose, followed by specific objections (if any) to that use;
- h. A list of exhibits that each party intends to offer during trial, with a brief description of each exhibit; the parties shall indicate any exhibits to which there is objection, and any response to that objection; exhibits will be presumed authentic unless an objection to their authenticity is noted;
- i. Any stipulations executed or anticipated to be executed;
- j. A list of any matters of which the parties seek the Court to take judicial notice, along with the proposed language;
- k. A list of lesser included offenses for which any party may seek a jury instruction; and
- l. A proposed verdict form that includes a date and signature line for the jury foreperson, as well as proposed special interrogatories (if any).