

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

)

)

v.

)

Criminal No. 1:23-cr-00160-RC-1

DANIEL BALL,

)

Defendant.

)

**DEFENDANT'S MOTION TO EXTEND PRETRIAL MOTIONS DEADLINE
AND CONTINUE PRETRIAL AND EXPERT MOTIONS HEARINGS**

Daniel Ball, by and through undersigned counsel, respectfully moves to extend the filing deadline for pretrial motions to on or after May 17, 2024 and continue the May 17, 2024 and June 28, 2024 motions hearings to on or after July 9, 2024. In support of this Motion, counsel submits as follows:

1. On December 23, 2023, the Court entered a Pretrial Scheduling Order. *See* ECF No. 19.
2. On March 12, 2024, undersigned counsel filed a Motion to Extend Certain Filing Deadlines and Continue Pretrial Motions Hearing. *See* ECF No. 20.
3. On March 18, 2024, the government submitted an Opposition, wherein it proposed various dates. *See* ECF No. 21.
4. On March 22, 2024, undersigned counsel submitted a Reply consenting to the government's proposed dates and requesting an extension of the pretrial motions deadline, a request to which the government consented. In her Reply, undersigned counsel expressed the potential need to ask for more time to file pretrial motions if circumstances warranted.

5. On March 28, 2024, the Court granted undersigned counsel's Motion in part, and modified the Pretrial Scheduling Order pursuant to the dates agreed upon in undersigned counsel's Reply.

6. Under the current Pretrial Scheduling Order, pretrial motions are due April 19, 2024, the hearing on pretrial motions is set for May 17, 2024, and the hearing on expert motions is set for June 28, 2024.

7. Although undersigned counsel's case in the District of Arizona has resolved pretrial, *see* ECF No. 20 at 2, just recently, a court in different matter set a trial from June 17, 2024 to June 28, 2024 despite undersigned counsel's objection and the fact that undersigned counsel entered that case in late February 2024.

8. Undersigned counsel requests to extend the deadline for pretrial motions to on or after May 17, 2024,¹ in light of the fact that undersigned counsel is still in the process of reviewing discovery in Mr. Ball's case, as she had to start from scratch in her review of the discovery since her prior firm indicated that they cannot locate her discovery review and defense theory notes and because she has had to spend a significant amount of time the past month reviewing the discovery to prepare for trial in the case now set for trial in June 2024; the fact that undersigned counsel is still working to have protective orders vacated or modified in similar cases in other jurisdictions so she can include certain information about those cases in her Motion to Dismiss; and the fact that, in her review of the discovery in Mr. Ball's case, undersigned counsel has discovered in the past week that there are various materials that have not been produced to her that are not available on Relativity, despite being directly referenced in the discovery that the government did produce.²

¹ Given the circumstances, undersigned counsel may need to request another extension, especially if the June 2024 case in fact goes to trial.

² The government has been informed of the discovery defense counsel is seeking; at present, the government has begun efforts to provide at least some of the discovery that undersigned counsel has requested. Indeed, yesterday, the

9. Undersigned counsel also requests that the Court continue the hearings set for May 17, 2024 and June 28, 2024 to a date on or after July 15, 2024, other than July 19, 2024, July 22, 2024, and July 29, 2024, as the defense expert is unavailable for travel until after July 8, 2024 and undersigned counsel will be out of town the second week of July 2024 and has other scheduling conflicts on the other select dates.

10. The government opposes this Motion.

Accordingly, Daniel Ball, by and through undersigned counsel, respectfully requests the aforementioned relief.

Respectfully submitted,

_____/s/_____
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government provided undersigned counsel a copy of the *Miranda* waiver used in Mr. Ball's case pursuant to undersigned counsel's request.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on this 17th day of April 2024, I have served this Motion upon all parties in this matter through the CM/ECF system.

_____/s/_____
Amy C. Collins