

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	)	
	)	
v.	)	Criminal No. 21-0598 (PLF)
	)	
TERENCE SUTTON	)	
and	)	
ANDREW ZABAVSKY,	)	
	)	
Defendants.	)	

SCHEDULING ORDER

On May 9, 2022, the Court issued an order setting forth the schedule for trial, which is scheduled to begin on October 17, 2022. See Scheduling Order [Dkt. No. 166]. The Court further ordered the parties to meet and confer and submit a joint status report with a proposed schedule for pretrial motions, including any motions to dismiss the case, all motions in limine, and all Daubert motions. Id. at 2. On May 16, 2022, the parties submitted a joint status report jointly proposing a schedule for expert disclosures, Daubert motions, and motions in limine. See Joint Status Report (“JSR”) [Dkt. No. 167] at 1. The parties indicated, however, that they “do not agree on a proposed schedule for pre-trial Rule 12 motions,” and provided two proposals for the briefing of Rule 12 motions. Id. at 1-2.

After careful consideration of the parties’ joint status report, the Court adopts the parties’ joint proposed schedule for expert disclosures, Daubert motions, and motions in limine, and agrees with the government’s proposed schedule for Rule 12 motions. The Court further provides dates for the submission of a joint proposed pre-voir dire written questionnaire, a status conference to resolve any disputes relating to the proposed questionnaire, and the docketing and

photocopying of a final questionnaire before it is administered to the jury panel on September 29, 2022.

The Court does not, however, set deadlines regarding the exchange of exhibit and witness lists or the submission of proposed jury instructions and a jury verdict form. The Court directs the parties to meet and confer and provide proposed deadlines for the exchange and submission of these materials. In addition, the Court requires further clarification about the meaning of “supplements to pretrial motions,” which is included in the joint status report with a deadline of August 22, 2022. See JSR at 1. Accordingly, it is hereby

ORDERED that the parties shall meet and confer and file a joint status report, on or before June 10, 2022, proposing dates for the exchange of case-in-chief exhibits, exhibit lists, and witness lists, as well as the submission of proposed jury instructions and a jury verdict form. The joint status report should also include a clarification about the meaning of “supplements to pretrial motions,” or a description of what the parties intend to file on August 22, 2022. See JSR at 1; and it is

FURTHER ORDERED that the Court’s Scheduling Order [Dkt. No. 166] is modified by this Order, as set forth in the following schedule:

Date	Description
June 15, 2022	The parties shall file any Rule 12 motions.
June 29, 2022	The parties shall file oppositions to Rule 12 motions.
July 6, 2022	The parties shall file replies in support of Rule 12 motions.
Week of July 11, 2022	The Court will hear oral argument on Rule 12 motions, with the date and time to be provided by the Court at a later date.

Date	Description
July 15, 2022	The parties shall exchange expert notices and disclosures.
August 1, 2022	The parties shall file any <u>Daubert</u> motions.
August 15, 2022	The parties shall file oppositions to <u>Daubert</u> motions.
August 22, 2022	The parties shall file replies in support of <u>Daubert</u> motions.
Week of August 29, 2022	The Court will hear oral argument on <u>Daubert</u> motions, with the date and time to be provided by the Court at a later date.
August 29, 2022	The parties shall file a joint proposed pre-voir dire written questionnaire.
September 2, 2022	The parties shall file any motions <u>in limine</u> .
September 12, 2022	The Court will hold a status conference to resolve any disputes relating to the proposed pre-voir dire written questionnaire.
September 16, 2022	The parties shall file oppositions to motions <u>in limine</u> .
September 19, 2022	The parties shall docket a final pre-voir dire written questionnaire that incorporates the Court's resolution of any disputes relating to the proposed questionnaire. The Court will approve the final questionnaire shortly thereafter. Once finalized, the parties shall photocopy the questionnaire and provide the Court with enough copies to administer the questionnaire to a special jury panel of approximately 150 potential jurors on September 29, 2022.
September 23, 2022.	The parties shall file replies in support of motions <u>in limine</u>

Date	Description
Week of September 26, 2022	The Court will hear oral argument on motions <u>in limine</u> , with the date and time to be provided by the Court at a later date.
September 29, 2022	The Court will administer the pre-voir dire written questionnaire to a special jury panel in the Ceremonial Courtroom (Courtroom 20) beginning at 10:00 a.m.
September 30-October 5, 2022	The parties shall review the written questionnaire responses and meet and confer about excusing certain jurors, during which period the Court will attempt to resolve or decide the parties' objections.
October 6, 2022 at 1:00 p.m.	Final pretrial conference.
October 17-18, 2022	Jury selection will commence in the Ceremonial Courtroom (Courtroom 20) at 10:00 a.m., and will continue, as necessary, on October 18, 2022.
October 19, 2022	Trial will commence in Courtroom 29 at 10:00 a.m. with opening statements, and will continue each weekday at 10:00 a.m. until concluded.
November 11, 2022	Recess for Veterans Day.

SO ORDERED.

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PAUL L. FRIEDMAN  
United States District Judge

DATE: June 2, 2022