

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

DEREK COOPER GUNBY,

Defendant.

Criminal No. 21-0626 (PLF)

AMENDED SCHEDULING ORDER

On November 8, 2022, due to the Court's ongoing trial schedule in another matter, the Court vacated the bench trial in this case scheduled to begin on December 12, 2022. See Minute Order (Nov. 8, 2022). On January 20, 2022, the parties submitted a joint status report responding to the Court's request for the parties' availability for a rescheduled bench trial. See Joint Status Report and Motion to Exclude Time Under the Speedy Trial Act ("JSR") [Dkt. No. 49]. Defendant Derek Cooper Gunby also waived his rights under the Speedy Trial Act and the parties jointly agreed that "the ends of justice would be served by exclusion of time under The Speedy Trial Act until the trial date selected by the Court or the date of the next status conference before this Court." Id. at ¶¶ 3, 2. Upon consideration of the parties' joint status report, the Court will schedule a bench trial in this case from September 26-29, 2023.

The Court further requests the parties' guidance regarding which of the four pending non-evidentiary pretrial motions require oral argument. See Defendant Gunby's Motion to Dismiss on First Amendment Grounds [Dkt. No. 35]; Defendant Gunby's Motion to Change Venue to District of South Carolina, Greenville Division [Dkt. No. 36]; Defendant Gunby's Motion to Dismiss One of Two "Disorderly Conduct" Counts Due to Multiplicity [Dkt. No. 37];

Defendant Gunby's Motion to Dismiss The Information for Failure to State a Claim [Dkt. No. 38]. The parties are directed to summarize their views in a joint status report. Accordingly, it is hereby

ORDERED that on or before January 30, 2023, the parties shall meet and confer and submit a joint status report informing the Court of their views as to which of the four pending non-evidentiary pretrial motions require oral argument; it is

FURTHER ORDERED that a bench trial in this matter will commence in Courtroom 29 of the William B. Bryan Annex to the E. Barrett Prettyman Courthouse on September 26, 2023, beginning at 10:00 a.m., and will continue each weekday at 10:00 a.m. through September 29, 2023; it is


FURTHER ORDERED that in the interest of justice and based on the agreement of the parties, the Speedy Trial Act is tolled from the period of January 20, 2023 through September 26, 2023; and it is

FURTHER ORDERED that the pretrial motions and trial schedule will proceed pursuant to the following schedule:

Date	Description
August 15, 2023	The parties shall file any motions <u>in limine</u> and <u>Daubert</u> motions.
August 29, 2023	The parties shall file oppositions to motions <u>in limine</u> and <u>Daubert</u> motions.
September 5, 2023	The parties shall file replies in support of motions <u>in limine</u> and <u>Daubert</u> motions.

Date	Description
September 11, 2023 at 10:00 a.m.	The Court will hear oral argument on all pending motions in Courtroom 29.
September 12, 2023	The parties shall exchange proposed case-in-chief exhibits and witness lists.
September 18, 2023	The parties shall deliver to the Court two sets of exhibit lists and pre-marked exhibits. The parties shall provide to the Court any stipulations executed or anticipated to be executed.
September 20, 2023 at 10:00 a.m.	Final pretrial conference in Courtroom 29.
September 26-29, 2023	Trial will commence in Courtroom 29 with opening statements and will continue each weekday at 10:00 a.m.

SO ORDERED.


 PAUL L. FRIEDMAN
 United States District Judge

DATE: 1/23/23