UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v. Case No. 11-20129

SCOTT WILLIAM SUTHERLAND et al.

Defendants.
_____/

UNITED STATES OF AMERICA,

Plaintiff,

v. Case No. 11-20066

JEFF GARVIN SMITH et al.,

Defendants.
_____/

ORDER ON MOTION DEADLINE

On January 30, 2014, the court conducted a telephonic conference on the record in the above-captioned matters. Among other issues, counsel discussed with the court the upcoming motion cutoff of February 28, 2014. The court clarified, on the record, that the motion cutoff is intended to apply principally to the first group of Defendants, currently scheduled for trial on April 15, 2014. Defendants in subsequent trial groups are to receive motion cutoff dates when their trial dates are scheduled. The court urges all Defendants, however, to consult with one another before filing motions which could be universally applicable. Defendants should attempt to reduce expenditure of resources by joining in those motions which they intend to bring in substantially similar form. The

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court does not intend to address more than once a motion fairly deemed to be universally applicable. Therefore, when a later deadline arrives (for the second, third, or fourth group), it may be the case that the court has already considered and ruled upon an intended motion as the equivalent of it had been already filed by an earlier defendant. In such case, even though the "deadline" for the later defendant had not passed, his opportunity to be heard may have, in essence, lapsed.

Defendants are reminded to follow the protocol set forth in previous orders of the court, regarding seeking concurrence and providing hearing statements in motions. (*See* Dkt. ## 518 & 613.)

Defendants raised the question of —and problems with— late-arriving Rule 16 documentary information, and whether more is to be expected. It is the court's understanding that government counsel in that regard again recognized the duty to be diligent for possible *Brady* and *Giglio* materials, and again assured other counsel and the court that its efforts are ongoing in the gathering and examination of materials received, as they are deemed appropriate for pretrial release in the form of Rule 16 disclosures.

Defendants in the first trial group also indicated that they would soon be filing a motion to adjourn all dates, given the ongoing issues they are experiencing in reviewing the massive electronic discovery. Accordingly, and as agreed by Liaison Counsel for Group One,

IT IS ORDERED that any motion to adjourn the first trial date and attendant deadlines shall be filed by **February 7, 2014**.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: January 31, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 31, 2014, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522