

1 *Jardines*, 133 S. Ct. 1409 (2013); *United States v. Jones*, 132 S. Ct.
2 945 (2012); *Kyllo v. United States*, 533 U.S. 27 (2001); and Wayne
3 LaFave, *Search & Seizure: A Treatise on the Fourth Amendment* (5th
4 ed.). Following the hearing, the Court determined that an amicus
5 brief filed by the Electronic Frontier Foundation (EFF) may benefit
6 the Court's resolution of this issue. Accordingly, to accommodate the
7 filing of an amicus curiae brief by EFF if it so chooses, the Court
8 extends the parties' deadlines for filing the supplemental briefs.

9 **IT IS HEREBY ORDERED:**

- 10 1. A copy of this Order, along with the Indictment and briefs
11 related to the suppression motion, ECF Nos. 12, 48, 49, &
12 53, shall be mailed to EFF, 815 Eddy Street, San Francisco,
13 CA 94109.
- 14 2. If EFF desires to file an amicus brief pertaining to
15 Defendant's Motion to Suppress Evidence from Continuous
16 Video Surveillance Pole Cam, ECF No. 47, it shall do so no
17 later than **December 2, 2013**. This brief shall be limited
18 to fifteen pages.
- 19 3. The USAO's supplemental brief, which shall be limited to
20 fifteen pages, shall be filed no later than **December 20,**
21 **2013**.
- 22 4. Defendant's supplemental brief, which shall be limited to
23 fifteen pages, shall be filed no later than **January 10,**
24 **2014**.
- 25
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5. **Pretrial Conference**

a. The pretrial conference is **RESET** to **February 11, 2014**, at **10:00 a.m.** in **RICHLAND**. At that time, the Court will hear all pretrial motions, including Defendant's Motion to Suppress Evidence from Continuous Video Surveillance Pole Cam, ECF No. 47.

b. This pretrial conference is set for **two hours**.

6. **Trial**. The Court **SETS** this matter for jury trial on **March 3, 2014**, at **9:30 A.M.** in **RICHLAND**. Counsel and Defendant shall be prepared to meet with the Court at least thirty (30) minutes prior to the commencement of the trial.

7. Pursuant to 18 U.S.C. § 3161(h)(1)(D), the Court **DECLARES EXCLUDABLE** from **Speedy Trial Act** calculations the period from **September 19, 2013**, the date Defendant filed his suppression motion, through **March 3, 2014**, the date set for hearing on the suppression motion.

8. The **Original CMO**. Counsel must review the provisions of the original June 28, 2013 CMO, ECF No. 44, and abide by those procedures which remain in full force and effect and are incorporated herein except for the new compliance deadlines in the following Summary of Amended Deadlines.

9. **Summary of Deadlines**

Rule 16 expert summaries produced to other parties and emailed to Court: Defendant's Experts: USAO's Rebuttal Experts:	<p style="text-align: center;">January 6, 2014 January 13, 2014</p>
All pretrial motions, including discovery motions, <i>Daubert</i> motions, and motions <i>in limine</i> , filed	<p style="text-align: center;">January 21, 2014</p>

1	PRETRIAL CONFERENCE <i>Deadline for motions to continue trial</i>	February 11, 2014 10:00 A.M. - RICHLAND
2	CIs' identities and willingness to be interviewed disclosed to Defendant (if applicable)	February 14, 2014
3	Grand jury transcripts produced to Defendant	
4	Case Agent:	February 14, 2014
5	CIs:	February 14, 2014
6	Other Witnesses:	February 14, 2014
7	Exhibit lists filed and emailed to the Court	February 21, 2014
8	Witness lists filed and emailed to the Court	February 21, 2014
9	Trial briefs, jury instructions, verdict forms, and requested voir dire filed and emailed to the Court	February 21, 2014
10	Exhibit binders delivered to all parties and to the Court	February 25, 2014
11	Delivery of JERS-compatible digital evidence files to the Courtroom Deputy	February 21, 2014
12	Trial notices filed with the Court	February 21, 2013
13	Technology readiness meeting (in-person)	February 25, 2013
14	JURY TRIAL	March 3, 2014 9:30 A.M. - RICHLAND

15 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this
 16 Order and provide copies to all counsel, the U.S. Probation Office,
 17 and the U.S. Marshals Service.

18 **DATED** this 18th day of October 2013.

19 _____
 20 s/ Edward F. Shea
 EDWARD F. SHEA
 21 Senior United States District Judge