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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. MARIO DIAZ, et al., Defendants.	Case No. 2:07-cr-0248 WBS STIPULATION AND [~~PROPOSED~~] ORDER RESETTING BRIEFING SCHEDULE

Plaintiff, United States of America, by its counsel, Assistant United States Attorneys Jason Hitt and William S. Wong, and defendant Edward FUENTES, by his counsel John Balazs, Esq., on behalf of the entire defense group that joined in the subject motions, stipulate and agree that the briefing schedule on the defense motions to dismiss the indictment and motion to suppress the wiretaps and should be reset as follows:

Govt. Opposition Brief Due (wiretap only): June 11, 2010

Defense Reply Briefs Due: July 2, 2010

The government will file its opposition to the defense motion to dismiss on June 4, 2010, as originally scheduled. However, the government has requested additional time to respond to the defense motion to suppress the wiretaps because the government did not

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anticipate having to respond to two motions and the defense motion to suppress the wiretaps is approximately 68 pages and includes numerous voluminous exhibits. The parties agree that the government may have an additional week to file its opposition to the wiretap suppression motion. The defense, in turn, will file its reply briefs to the government's oppositions on each motion on July 2, 2010. If the Court agrees, the parties do not seek to alter the hearing date for the motions on July 19, 2010, unless the Court requires additional time to review the pleadings on each motion. The Court has previously ordered time excluded as to all defendants up to and including the hearing date of July 19, 2010 for complexity of the case under Local Code T2 (18 U.S.C. § 3161(h)(7)(B)(ii)) and so that counsel for the defense may have reasonable time necessary to continue their effective preparation and defense of this case, taking into account the exercise of due diligence under Local Code T4 (18 U.S.C. § 3161(h)(7)(B)(iv)). In addition, time should be excluded based upon the filing and pendency of pretrial motions under 18 U.S.C. § 3161(h)(1)(D). The parties believe that such exclusions are appropriate and ask the Court make such findings.

Respectfully Submitted,

BENJAMIN B. WAGNER
United States Attorney

DATED: June 7, 2010 By: /s/Jason Hitt
JASON HITT
WILLIAM S. WONG
Assistant U.S. Attorneys

DATED: June 7, 2010 By: /s/John Balazs by Jason Hitt
Authorized to sign for Mr. Balazs on 06-03-10
JOHN BALAZS, Esq.
Attorney for Edward FUENTES

ORDER

Based upon the representations and stipulation of counsel, **IT IS HEREBY ORDERED** that:

1. The Court adopts the revised briefing schedule set forth in the stipulation of the parties; and

2. Time shall be excluded from the Speedy Trial Act as to all defendants up to and including the hearing date of July 19, 2010 based upon the complexity of the case under Local Code T2 and so that counsel for the defense may have reasonable time necessary to continue their effective preparation and defense of this case, taking into account the exercise of due diligence under Local Code T4. In addition, time is excluded based upon the filing and pendency of pretrial motions under 18 U.S.C. § 3161(h)(1)(D).

IT IS SO ORDERED.

DATED: June 7, 2010

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE