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2 CALIFORNIA STATE BAR NUMBER 123357
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10 ATTORNEY FOR DEFENDANT
11 JASON SIEGFRIED
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15 IN THE UNITED STATES DISTRICT COURT FOR THE
16 EASTERN DISTRICT OF CALIFORNIA
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1 Johnson representing Jay Dupee; 8- William E. Bonham representing Brock Enrico; 9- Michael
2 B. Bigelow representing Todd Becerra; 10- William J. Portanova representing Steven Adgate;
3 11- Danny D. Brace, Jr. representing Bryan Swiers; 12- Clemente M. Jimenez representing Kyle
4 Schmidt; 13- Candace A. Fry representing Dusty Burge; 14- Gregory W. Fox representing
5 Charles Erickson; 15- Olaf W. Hedberg representing Travis Olibas; 16- David D. Fischer
6 representing Jake Westerman; 17- Scott N. Cameron representing Justin McMillian; 19- Carl E.
7 Larson representing Frederick Laurens; 21- Darryl A. Stallworth representing Richard Serrell;
8 22- Robert J. Saria representing Kevin Kuester; 23- Russell S. Humphrey representing Derek
9 Winters; 24- Clyde M. Blackmon representing Richard Reynolds; 25- Michael Jason Lawley
10 representing Nickolas Perry; 26- Scott A. Sugarman representing Joseph Mirante; 27- James A.
11 Bustamante representing Kevin Kirkpatrick; 28- Philip A. Schnayerson representing Reginald
12 Bell; 29- Michael E. Hansen representing Michael Kelly; 30- Michael J. Aye representing Joseph
13 Figlia 31- James J. Clark representing Robert Kennedy; 32- Omar Figueroa representing
14 Nicholas Ojeda and 20- James R. Greiner representing Jason Siegfried, hereby agree and
15 stipulate to the following¹:

16 1- By previous order, this matter was set for status on Thursday, January
17 30, 2014, see docket number 414.

18 2. By this Stipulation, the defendants collectively² now move to continue
19 the status conference until Thursday, April 24, 2014 and to exclude time pursuant to the Speedy
20 Trial Act between Thursday, January 30, 2014 and Thursday, April 24, 2014, under Local Codes
21 T-2 (complexity) and T-4 (time for adequate attorney preparation). The government has

22 _____
23 ¹ The government requested that the format presented in this stipulation
24 be used by the parties.
25 ² Defendant Marcus Williams represented by attorney Tim Pori, has NOT
26 joined this agreement and stipulation and thus should remain on the Court's
27 calendar.

1 produced more discovery in this case and does not oppose this request. In addition, attorney
2 Michael Jason Lawley was recently appointed on June 12, 2013 to represent defendant Nickolas
3 Perry (see Docket # 385) and attorney Benjamin D. Galloway was recently appointed on
4 December 27, 2012 (see docket #351) to represent Steven Ortega, Sr., and both attorneys need
5 additional time to review the voluminous amount of discovery in this case.
6

7 3. The parties³ agree and stipulate to the following and request the Court
8 to find the following:

9 a. The government has produced discovery to date which consists of 5
10 (five) discovery CD's labeled Discovery Disk 1, 2, 3 ,4 and 5 and 6 (six) wire tape CD's labeled
11 TT1, TT2, TT3, TT4, TT5 and TT6. The government has also made available for copying onto
12 an external hard drive the pole camera evidence which defense counsel has obtained for
13 reviewing with their respective clients. The government requested defense counsel to supply an
14 external hard drive with 3 TB of capacity to accommodate the enormous volume of video taped
15 recordings.

16 b. The government by way of letter dated November 30, 2012, addressed
17 to all defense counsel, produced the following additional discovery contained on 4 (four) CD's:
18 BATES numbers DD-007532 to DD-007570; Bates number DD-7571 (reproduction of wiretap -
19 TT#1); Bates number DD-007572 (reproduction of wiretap- TT#2); Bates number DD-007573
20 (reproduction of wiretaps - TT#3, tt#4, TT#5, and TT#6).

21 c. Counsel for all defendants⁴ need additional time, in addition to the two
22 recently appointed attorneys (Lawley, June 12, 2013, and Galloway, December 27, 2012), to
23

24
25
26
27
28

³ Except for Defendant Marcus Williams, represented by attorney Tim Pori
who has NOT joined this agreement and stipulation to continue the case.

1 review all of the discovery which includes the additional discovery, review the all the discovery
2 with their respective clients, to conduct investigation into this case, do research, which includes
3 legal research, in this case, and to otherwise do review and investigation, using due diligence,
4 that this complex case requires.
5

6 d. Counsel for all defendants⁵ represents that the failure to grant the above
7 requested continuance would deny counsel for each individual defendant the reasonable time
8 necessary for effective preparation, taking into account the exercise of due diligence.
9

10 e. The government, based on all of the above, does not object to the
11 continuance.
12

13 f. Based on the above stated findings, the ends of justice served by
14 continuing the case as requested outweigh the interest of the public and all the defendants in a
15 trial within the original date prescribed by the Speedy Trial Act.
16

17 g. For the purpose of computing the time under the Speedy Trial Act, Title
18 U.S.C. section 3161, et seq., within which trial must commence, the time period from
19 Thursday, January 30, 2014 to Thursday, April 24, 2014, inclusive, is deemed excludable
20 pursuant to Title 18 U.S.C. section 3161(h)(7)(A, (B)(ii) and (iv) corresponding to Local Codes
21 T-2 and T-4, because it results from a continuance granted by the Court at defendants' request on
22 the basis of the Court's finding that the ends of justice served by taking such action outweigh the
23 best interest of the public and all of the defendants in a speedy trial.
24
25
26

27 ⁴ Except for defendant Marcus Williams represented by attorney Tim Pori
28 who has not joined this agreement and stipulation to continue the case.
29

⁵ Except for defendant Marcus Williams represented by attorney Tim Pori
who has not joined this agreement and stipulation to continue the case.
30

1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of
2 the Speedy Trial Act dictate that additional time periods are excludable from the period within
3 which a trial must commence.
4

5 IT IS SO STIPULATED.
6

7 Each attorney has granted James R. Greiner full authority to sign for each
8 individual attorney.
9

10 Respectfully submitted:
11

12 BENJAMIN B. WAGNER
13 UNITED STATES ATTORNEY
14

15 DATED: 1-22-14 /s/ Michael D. Anderson
16

17 _____
18 Michael D. Anderson
19 ASSISTANT UNITED STATES ATTORNEY
20 ATTORNEY FOR THE PLAINTIFF
21

22 DATED: 1-22-14 /s/ Benjamin D. Galloway
23

24 _____
25 Benjamin D. Galloway
26 Attorney for Defendant
27 1- Steven Ortega, Sr.
28

29 DATED: 1-22-14 /s/ Randy Sue Pollock
30

31 _____
32 Randy Sue Pollock
33 Attorney for Defendant
34 2- Steven Ortega, Jr.
35

36 DATED: 1-22-14 /s/ Shari Rusk
37

38 _____
39 Shari Rusk
40 Attorney for Defendant
41 3- Marla Ortega
42

1 DATED: 1-22-14 /s/ Dina L. Santos

2 _____
3 Dina L. Santos
4 Attorney for Defendant
4- Matt Ortega

5 DATED: 1-22-14 /s/ Hayes H. Gable, III

6 _____
7 Hayes H. Gable, III
8 Attorney for Defendant
6- Anthony Giarrusso

9 DATED: 1-22-14 /s/ Thomas Johnson

10 _____
11 Thomas Johnson
12 Attorney for Defendant
7- Jay Dupee

13 DATED: 1-22-14 /s/ William E. Bonham

14 _____
15 William E. Bonham
16 Attorney for Defendant
8- Brock Enrico

17 DATED: 1-22-14 /s/ Michael B. Bigelow

18 _____
19 Michael B. Bigelow
20 Attorney for Defendant
9- Todd Becerra

21 DATED: 1-22-14 /s/ William J. Portanova

22 _____
23 William J. Portanova
24 Attorney for Defendant
10- Steven Adgate

25 DATED: 1-22-14 /s/ Danny D. Brace, Jr.

26 _____
27 Danny D. Brace, Jr.
28 Attorney for Defendant
11- Bryan Swiers

1 DATED: 1-22-14 /s/ Clemente M. Jimenez

2
3 Clemente M. Jimenez
4 Attorney for Defendant
5 12- Kyle Schmidt

6 DATED: 1-22-14 /s/ Candace A. Fry

7
8 Candace A. Fry
9 Attorney for Defendant
10 13- Dusty Burge

11 DATED: 1-22-14 /s/ Gregory W. Fox

12
13 Gregory W. Fox
14 Attorney for Defendant
15 14- Charles Erickson

16 DATED: 1-22-14 /s/ Olaf W. Hedberg

17
18 Olaf W. Hedberg
19 Attorney for Defendant
20 15- Travis Olibas

21 DATED: 1-22-14 /s/ David D. Fischer

22
23 David D. Fischer
24 Attorney for Defendant
25 16- Jake Westerman

26 DATED: 1-22-14 /s/ Scott N. Cameron

27
28 Scott N. Cameron
29 Attorney for Defendant
30 17-Justin McMillian

31 DATED: 1-22-14 /s/ Carl E. Larson

32
33 Carl E. Larson
34 Attorney for Defendant
35 19- Frederick Laurens

1 DATED: 1-22-14 /s/ Darryl A. Stallworth

2 _____
3 Darryl A. Stallworth
4 Attorney for Defendant
5 21- Richard Serrell

6 DATED: 1-22-14 /s/ Robert J. Saria

7 _____
8 Robert J. Saria
9 Attorney for Defendant
10 22- Kevin Kuester

11 DATED: 1-22-14 /s/ Russell S. Humphrey

12 _____
13 Russell S. Humphrey
14 Attorney for Defendant
15 23-Derek Winters

16 DATED: 1-22-14 /s/ Clyde M. Blackmon

17 _____
18 Clyde M. Blackmon
19 Attorney for Defendant
20 24- Richard Reynolds

21 DATED: 1-22-14 /s/ Michael Jason Lawley

22 _____
23 Michael Jason Lawley
24 Attorney for Defendant
25 25- Nickolas Perry

26 DATED: 1-22-14 /s/ Scott A. Sugarman

27 _____
28 Scott A. Sugarman
29 Attorney for Defendant
30 26- Joseph Mirante

31 DATED: 1-22-14 /s/ James A. Bustamante

32 _____
33 James A. Bustamante
34 Attorney for Defendant
35 27- Kevin Kirkpatrick

1 DATED: 1-22-14 /s/ Philip A. Schnayerson

2
3 Philip A. Schnayerson
4 Attorney for Defendant
28- Reginald Bell

5 DATED: 1-22-14 /s/ Michael E. Hansen

6
7 Michael E. Hansen
8 Attorney for Defendant
29-Michael Kelly

9 DATED: 1-22-14 /s/ Michael J. Aye

10
11 Michael J. Aye
12 Attorney for Defendant
30- Joseph Figlia

13 DATED: 1-22-14 /s/ James J. Clark

14
15 James J. Clark
16 Attorney for Defendant
31- Robert Kennedy

17 DATED: 1-22-14 /s/ Omar Figueroa

18
19 Omar Figueroa
20 Attorney for Defendant
32- Nicholas Ojeda

21 DATED: 1-22-14 /s/ James R. Greiner

22
23 James R. Greiner
24 Attorney for Defendant
25 20- Jason Siegfried

ORDER

Pursuant to the parties' stipulation, the status conference in this case currently scheduled for January 30, 2014, is HEREBY VACATED and continued to April 24, 2014, at 9:00 AM in Courtroom 7.

IT IS SO ORDERED.

Dated: January 29, 2014


MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT