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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PETER KUZMENKO,

Defendant.

CASE NO. 2:14-CR-00044 GEB

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
[PROPOSED] FINDINGS AND ORDER

DATE: July 29, 2016

TIME: 9:00 a.m.

COURT: Hon. Garland E. Burrell, Jr.

STIPULATION

1. By previous order, this matter was set for status on July 29, 2016.

a) By this stipulation, defendant now moves to continue the status conference until September 23, 2016, and to exclude time between July 29, 2016, and September 23, 2016, under Local Code T4.

2. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes investigative reports and related documents, as well as tax documents, bank records and other documents obtained via subpoena. The government estimates that this discovery consists of more than 15,000 pages of documents. All of this discovery has been produced directly to counsel and/or has been made available for inspection and copying.

b) The discovery in this case consists of more than fifteen thousand pages of

1 documents. Defense counsel has recently concluded one federal trial and is set to begin another
2 the week of August 1, 2016. Given his impacted trial schedule and the need to prepare for, and
3 try, those cases, he is currently unavailable to try this case and to otherwise conduct necessary
4 investigation and discovery review.

5 c) Counsel for defendant believes that failure to grant the above-requested
6 continuance would deny counsel the reasonable time necessary for effective preparation, taking
7 into account the exercise of due diligence.

8 d) The government does not object to the continuance.

9 e) Based on the above-stated findings, the ends of justice served by continuing the
10 case as requested outweigh the interest of the public and the defendant in a trial within the
11 original date prescribed by the Speedy Trial Act.

12 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
13 et seq., within which trial must commence, the time period of July 29, 2016 to September 23,
14 2016, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
15 T4] because it results from a continuance granted by the Court at defendant's request on the basis
16 of the Court's finding that the ends of justice served by taking such action outweigh the best
17 interest of the public and the defendant in a speedy trial.

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

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5 IT IS SO STIPULATED.

6 Dated: July 27, 2016

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8 PHILLIP A. TALBERT
9 Acting United States Attorney

10

11 /s/ MICHELE BECKWITH
12 MICHELE BECKWITH
13 Assistant United States Attorney

14

15 Dated: July 27, 2016

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17 /s/ MICHAEL CHASTAINE
18 MICHAEL CHASTAINE
19 Counsel for Defendant
20 Peter Kuzmenko

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FINDINGS AND ORDER

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30 IT IS SO FOUND AND ORDERED.

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32 Dated: July 27, 2016

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