

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Criminal Case No. 14-cr-0398-WJM

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. BURTON WAGNER,

Defendant.

ORDER RESETTING TRIAL DATE AND RELATED DEADLINES

This matter comes before the Court for the re-setting of a trial date and related deadlines upon the entry of the Court's Order Granting Defendant's Motion for Ends of Justice Continuance. Accordingly, it is hereby ORDERED as follows:

A. All pretrial motions shall be filed by no later than **April 6, 2015**.

Responses to these motions shall be filed by no later than **April 16, 2015**. No reply shall be permitted without prior leave of Court. If a party believes an evidentiary hearing on a pretrial motion is necessary, a written request for same must be made by no later than the pretrial motion deadline;

B. The Court will not consider any motion related to the disclosure or production of discovery that is addressed by the Discovery Memorandum and Order and/or Fed. R. Crim. P. 16, unless prior to filing the motion counsel for the moving party has conferred or made reasonable, good-faith efforts to confer with opposing counsel in an effort to resolve the disputed matter. If the parties are unable to resolve the dispute,

the moving party shall state in the motion the specific efforts which were taken to comply with this Order to Confer. Counsel for the moving party shall submit a proposed order with all motions, opposed and unopposed. Opposed disclosure or discovery motions which do not demonstrate meaningful compliance with this Order to Confer will be stricken;

C. Expert witness disclosures pursuant to Fed. R. Crim. P. 16 shall be made no later than seven days before the pretrial motion deadline, and any challenges to such experts shall be made by said deadline;

D. Disclosures regarding rebuttal expert witnesses shall be made one week after the pretrial motion deadline, and any challenges to such rebuttal experts shall be made no later than two weeks after said deadline;

E. Local Rule D.C.COLO.LCrR 11.1 applies fully to this case. Absent an Order permitting or directing otherwise, a Notice of Disposition shall be filed **no later than 14 days before the trial date**. Upon the filing of a Notice of Disposition the Court will generally convert the Final Trial Preparation Conference to a Change of Plea hearing, unless for good cause shown a party demonstrates the interests of justice are better served by scheduling the Change of Plea hearing at a later date;

F. The Status Conference currently set for November 17, 2014 at 1:30 p.m. is hereby VACATED. The Status Conference is **RESET for April 2, 2015 at 2:00 p.m. in Courtroom A801**.

G. The Final Trial Preparation Conference currently set for December 2, 2014 at 11:00 a.m. is hereby **VACATED and RESET for April 23, 2015 at 2:00 p.m. in**

Courtroom A801. Lead counsel who will try the case must attend in person. Any outstanding motions may be addressed at the time of the Final Trial Preparation Conference;

H. The parties must be prepared to address at the Final Trial Preparation Conference some or all of the issues which may affect the duration or course of the trial referenced in the Court's Revised Practice Standards applicable to such Conferences;

I. The 14-day jury trial set to commence on December 8, 2014 is hereby VACATED. A **10-day jury trial is SET** to commence in the U.S. Courthouse, **Courtroom A801**, 901 19th Street, Denver, Colorado, on **May 4, 2015 at 8:00 a.m.**; and

J. Counsel are directed to this Court's Revised Practice Standards to ensure compliance with all deadlines triggered by the setting of the Final Trial Preparation Conference and Trial.

Dated this 4th day of November, 2014.

BY THE COURT:



William J. Martínez
United States District Judge