IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA, **v.** **MARILYN J. MOSBY,** **Defendant**	**Case No. 22-cr-00007-LKG-1**

DEFENDANT'S MOTION TO CONTINUE TRIAL, DEFENSE EXPERT DISCLOSURES AND MOTIONS *IN LIMINE*

Comes now Defendant, Marilyn J. Mosby, by and through undersigned counsel, and respectfully moves this Court to continue trial in this matter, as well as defense deadlines for expert disclosures, and Motions *in Limine*. This Motion is made pursuant to the Court's Scheduling Order (Dkt. No. 19) requiring a motion showing good cause to modify the trial. As explained herein, such good cause exists. In support thereof, counsel states as follows:

1. On March 30, 2022, this Court held a Telephonic Status Conference. Dkt. No. 31. On that same date, this Court issued an Amended Scheduling Order. Dkt. No. 37. That Order stated, in relevant part, that defense expert disclosures are due on or before Noon, Eastern Standard Time, on April 4, 2022, with Motions *in Limine* due on that same date. The Court further confirmed this matter for Jury trial beginning on May 2, 2022.

2. At said Status Conference the Court expressed concern that the current schedule in this matter may not be tenable. The Courts concern not only stemmed from the current briefing schedule, but also due to the possibility of additional briefing between the parties, including related to certain outstanding *Brady* issues. For these reasons, the Court expressed that moving the trial date in this matter to September, given the Court's schedule between now and then, was likely. Upon further consideration and reflection, Ms. Mosby agrees with the Court.

3. Under these circumstances, the defense cannot meet the Court's current deadlines. While counsel have identified experts for the defense,[1] given the lack of clarity by the government in the identification of its experts, its "rolling production" and voluminous nature of discovery recently produced by Government counsel,[2] much of which must be reviewed by said expert(s) in order for them to provide a written summary of their opinions, the defense will be unable to comply with the Court-imposed deadline of 12 p.m. on Monday.

4. Moreover, counsel must first sift through recently provided discovery in order to identify relevant motion(s) *in limine*. Again, this cannot be accomplished within the current time frame set forth by the Court.

5. For these reasons, counsel submits that good cause has been shown and respectfully requests that the Court sign the attached Proposed Order, and continue the trial date in this matter, as well as the deadline for filing of defense expert disclosures and motions *in limine*.[3] Counsel proposes that the Court maintain the current April 14, 2022 motions hearing, and that new deadlines for motions *in limine* and defense expert disclosures be set at that time.

6. Clearly, the government has significantly contributed to the relief requested herein. Nevertheless, counsel for Ms. Mosby has consulted with the government, and the government has authorized counsel to state that it opposes this request.[4]

---

[1] As the Court is aware, there are certain matters, properly filed under seal, in connection with the defense expert(s) as well as the scope of the work that they may undertake.

[2] The most recent batch of discovery was produced by the Government on March 29, 2022, the day before the Status Conference.

[3] Defendant has no objection to the entry of an Order tolling the Speedy Trial Clock between now and the start of trial in September, 2022 in this matter. 18 USC § 3161(h)(7).

[4] The Court's Amended Scheduling Order also requires that Government motions *in limine* are due on April 4, 2022, that their motions to exclude be filed no later than April 6, 2022 and that

WHEREFORE, for the foregoing reasons, counsel for Defendant request that the Court enter the attached Proposed Order, continuing the trial date, as well as defense deadlines for the disclosure of experts and motions *in limine.*

Dated: April 1, 2022

Respectfully submitted,

/s/ A. Scott Bolden

A. Scott Bolden (admitted *pro hac vice*)
Rizwan A. Qureshi (admitted *pro hac vice*)
Daniel Z. Herbst (SBN 17510)
RQureshi@ReedSmith.com
ABolden@ReedSmith.com
DHerbst@ReedSmith.com
1301 K Street, N.W.
Suite 1000 - East Tower
Washington, D.C. 20005-3373
Telephone: +1 202 414 9200
Facsimile: +1 202 414 9299

Kelley Miller (*admitted pro hac vice*)
KMiller@ReedSmith.com
7900 Tysons One Place, Suite 500
McLean, Virginia 22102
Telephone: + 1 703 641 4200
Facsimile: +1 703 641 4340

Anthony R. Todd (*admitted pro hac vice*)
ATodd@ReedSmith.com
10 South Wacker Drive
40th Floor
Chicago, IL 60606-7507
Telephone: + 312.207.1000
Facsimile: + 312.207.6400

Counsel for Defendant Marilyn J. Mosby

their responses to any motions *in limine* be filed by April 18, 2022. Defendant would have no objection to the Court also continuing these dates, pending the April 14, 2022 hearing.

CERTIFICATE OF SERVICE

I certify that, on April 1, 2022, this document was electronically filed with the Clerk of Court using the Court's CM/ECF system, which will then serve a notification of the filing to the registered parties of record.

/s/ *A. Scott Bolden*
A. Scott Bolden

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA, **v.** **MARILYN J. MOSBY,** **Defendant**	**Case No. 22-cr-00007-LKG-1**

ORDER

PREMESIS CONSIDERED:

For good cause shown, the Court **MODIFIES** the Amended Scheduling Order of March 30, 2002 as follows:

It is hereby **ORDERED** that trial in this matter, currently scheduled for May 2, 2022 be and is hereby continued until the _____ day of September, 2022 at 9:30 in the a.m.

It is further **ORDERED** that the deadline for Defendant to file her expert disclosures and motion(s) *in limine*, detailed in Dkt. No 37 are hereby vacated. The Court will set a new Scheduling Order following the hearing on pre-trial motions on April 14, 2022 at 2 p.m.

IT IS SO ORDERED

_____
LYDIA K. GRIGGSBY
United States District Judge