

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

United States of America

v.

Criminal No. 3:08-cr-36-PJB

Anibal Acevedo Vila, et al.

CASE MANAGEMENT ORDER No. 1

Having considered all arguments of the parties presented in writing and at the telephone status conference held on May 1, 2008, it is hereby ordered that:

**1. Government's Production of Fed. R. Crim. P. 16 Materials**

The Government shall produce all Fed. R. Crim. P. 16(a)(1) evidence as to each defendant within fourteen (14) days after his or her arraignment. Later-discovered evidence may be produced on good cause shown, but such evidence must be produced as soon as is reasonably practicable (i.e., generally within seven (7) days of discovery) and in no event later than forty-five (45) days before trial. Subject to entry of a protective order, Rule 16 material pertaining to an individual defendant will not be produced to co-defendants absent consent of the

individual defendant or other legal requirement to make such production (such as obligations under Brady v. Maryland, 373 U.S. 83 (1963), Giglio v. United States, 405 U.S. 150 (1972), Jencks v. United States, 353 U.S. 657 (1957), Fed. R. Crim. P. 26.2(f), or 18 U.S.C. § 3500).

**2. Defendants' Production of Fed. R. Crim. P. 16 Materials**

Defendants shall disclose the information described in Fed. R. Crim. P. 16(b)(1)(A-C) as soon as reasonably practicable after identifying such evidence as subject to production under Rule 16.

**3. Electronic Communications (18 U.S.C. § 2510)**

The government, to the extent it has not done so already, shall disclose any evidence suggesting that the government has intercepted a defendant's wire or electronic communications, as defined in 18 U.S.C. § 2510, to that defendant within fourteen (14) days of this Order. Evidence produced to such defendants shall be produced to other co-defendants if those defendants consent to such production.

**4. Exculpatory Material**

The government shall produce all evidence material to issues

of guilt or punishment within the meaning of Brady v. Maryland, 373 U.S. 83 (1963), and related cases, within thirty (30) days after entry of this Order. Any later-discovered evidence must be produced as soon as is reasonably practicable, but in no event later than seven (7) days following the government's discovery of such evidence.

**5. Motions Attacking the Legal Sufficiency of the Allegations or the Indictment**

Motions attacking the sufficiency of the allegations or the indictment on purely legal grounds shall be filed within sixty (60) days after entry of this Order. Additional such motions may be filed at a later date for good cause shown.

**6. Dispositive Motions Suggested by Evidence Produced During Discovery**

Any additional dispositive motions suggested by information learned in discovery shall be filed within ninety (90) days after entry of this Order. Additional such motions may be filed at a later date for good cause shown.

**7. Discovery Motions**

Discovery motions shall be filed within one hundred twenty (120) days after the government has certified to the defendants

that discovery is complete. The parties may request that the court revisit this deadline if the defendants are unable to complete their review of the government's discovery within this time frame.

**8. Motions in Limine, to Suppress and Daubert Motions**

Motions in limine shall be filed at least thirty (30) days before trial. Any motions in limine pertaining to evidence produced by the government thirty (30) days or less before trial must be filed before trial begins.

Motions to suppress and motions to exclude expert testimony pursuant to Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993), and related cases, shall be filed at least ninety (90) days before trial, except for good cause shown.

**9. All Other Motions**

Any other motions not described in paragraphs seven (7) through ten (10) of this Order shall be filed at least thirty (30) days before trial.

**10. Motion Briefing Cycle**

The government shall file its opposition to any defendant's motion to dismiss the indictment within twenty (20) days after

the defendant's motion is served. Any reply brief shall be filed by the defendant within fifteen (15) days after the government's opposition is served. With respect to all other motions, opposition briefs shall be filed within ten (10) days after the motion is served. Any reply briefs shall be filed within ten (10) days after the opposition is served. These deadlines may be extended by consent of the parties or by order of the Court.

#### **11. Motion Page Limits**

With respect to motions to dismiss the indictment, the following page limits shall apply: fifty (50) pages for the opening brief in support of the motion, fifty (50) pages for the brief in opposition to the motion, and twenty-five (25) pages for the reply brief.

With respect to dispositive motions other than motions to dismiss the indictment, the following page limits shall apply: twenty-five (25) pages for opening briefs in support of the motion, twenty-five (25) pages for briefs in opposition to the motion, and fifteen (15) pages for reply briefs.

With respect to non-dispositive motions, the following page limits shall apply: fifteen (15) pages for opening briefs in

support of the motion, fifteen (15) pages for briefs in opposition to the motion, and ten (10) pages for reply briefs.

Defendants are required to coordinate with one another regarding the filing of motions. The court will accept separate briefs only where there are defendant-specific issues or when defendants take different views on a particular matter.

**12. Expert Witness Disclosures**

The parties shall file a supplemental joint case management statement recommending a proposed schedule for the disclosure of expert witness information within fourteen (14) days of the date of this Order.

SO ORDERED.

/s/Paul Barbadoro  
Paul Barbadoro  
United States District Judge  
Sitting by Designation

May 9, 2008

cc: Counsel of Record