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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

UNITED STATES OF AMERICA,

Case No. 3:16-cr-00051-BR

Plaintiff,

**JOINT CASE MANAGEMENT
FILING**

v.

**AMMON BUNDY,
JON RITZHEIMER,
JOSEPH O'SHAUGHNESSY,
RYAN PAYNE,
RYAN BUNDY,
BRIAN CAVALIER,
SHAWNA COX,
PETER SANTILLI,
JASON PATRICK,
DUANE LEO EHMER,
DYLAN ANDERSON,
SEAN ANDERSON,
DAVID LEE FRY,
JEFF WAYNE BANTA,
SANDRA LYNN PFEIFER ANDERSON,
and KENNETH MEDENBACH**

Defendants.

The defendants, through FPD Lisa Hay, and the government, through AUSA Ethan Knight, submit the following joint case management filing in accordance with the Court's Order of February 12, 2016 (Docket No. 151).

The following responses correspond to paragraph 4 of the Order:

(a) Whether This Matter Should Be Designated Complex For Purposes Of The Speedy Trial Act.

Under 18 U.S.C. § 3161(h)(7)(B), a case may be considered complex due to the number of defendants, the nature of the prosecution, or the existence of novel questions of law or fact. The defense opposes designation of the case as complex, as such a designation will infringe upon speedy trial rights. The government will move the Court to designate the case as complex, and intends to file a motion in support of the designation on Monday, February 22, 2016.

(b) Whether And At What Intervals The Court Should Schedule Recurring Case-Management Conferences At Which The Court May Facilitate The Parties' Trial Preparation.

The parties agree that regularly scheduled status conferences before the trial date will allow for expedient and efficient resolutions of discovery and other disputed issues. The scheduling intervals will necessarily be dependent upon the setting of a trial date and whether the Court designates the case as complex. However, should status conferences be necessary, the parties jointly propose that the first Wednesday of each month at 9:00AM be reserved for a status conference. The parties will be prepared to propose the date of the first status conference, once a trial date is set and the Court resolves the question whether the case will be designated as complex.

(c) Whether And When Any Form Of Substantive Motion Practice Is Needed Before Trial.

The defense expect to engage in pretrial motion litigation. However, the defense cannot fully anticipate pretrial motions until it receives discovery and can make informed judgments as to meritorious motions, based upon the nature of the evidence that may be used by the government, and the methods used to acquire it.

(d) The Time Reasonably Needed For The Parties To Complete Their Investigation And Discovery And Otherwise To Prepare For Trial Taking Into Account The Possibility Of A Superseding Indictment With Additional Charges And Parties.

The government states that it will likely file a superseding indictment in early March that may add additional charges and defendants (currently indicted under 3:16-cr-00064-JO), with additional superseding indictments a possibility based upon the results of an ongoing investigation. The defense takes no position on the time that will be required to complete its investigation, noting the likelihood of a superseding indictment being filed, of which it has no information or knowledge of the contents.

The government states that it intends to provide an initial production of discovery within 14 days of arraignment. Further, the government will comply with its ongoing discovery obligations throughout the case.

The defense notes that the government arrested half of the defendants on probable cause warrants, then filed a criminal complaint, and then requested that arraignment be set out until February 24, 2016. Under this District's Standing Order for Discovery (No. 2015-5), the government's initial discovery would be due 14 days from arraignment. However, defense counsel respectfully request that the Court order that available discovery be produced immediately, as some of the defendants will have already been in custody for almost a month by the time of

arraignment. Additionally, each defendant requests notice be given by the government of whether he or she has been the subject of electronic surveillance through the use of any device that captures electronic communications. *See* 18 U.S.C. § 3504; 18 U.S.C. §§ 2510(11); 2518(10); Standing Order 2015-5 ¶ f.

(e) Whether The Court Should Set A Date For A Single Trial As To All Defendants Collectively Or Set Dates For Multiple Trials For Groups Of Defendants.

At present, the parties jointly request the Court set a date for a single trial for all defendants collectively.

(f) What Specific Trial Date(s) The Court Should Set Now.

Consistent with its motion to be filed requesting the Court designate the case as complex, the government's position is that a trial date should be set approximately one year out, or for a date in the Spring of 2017.

The defense position is that the trial date should be within the statutory speedy trial limit, or in April of 2016.

The following is responsive to paragraph 5 of the Order:

Counsel for all defendants have conferred in an effort to consider and identify ways to reduce costs and increase efficiency, consistent with counsel's duty to work on behalf of their respective clients' best interests. Jennifer Horvath, CJA Resource Counsel at the Federal Public Defender, will be the primary point of contact to track trial-preparation and investigation efforts by all defense counsel, in order to ensure counsel can work cooperatively and to minimize costs. Ms. Horvath will also be available to report these efforts and any issues to the court *ex parte*, when requested. Additionally, defense counsel have a regularly scheduled conference call in which Ms. Horvath will participate in order to monitor the case and facilitate cooperative efforts. Defense

counsel further propose that Amy Baggio and AFPD Rich Federico be designated as counsel responsible for coordinating efforts and conferring with government counsel, when appropriate and when ordered to do so by the Court.

Respectfully submitted on February 19, 2016.

/s/ Lisa Hay

Lisa Hay
Federal Public Defender