

Lisa Hay  
Federal Public Defender  
Rich Federico  
Assistant Federal Public Defender  
101 S.W. Main Street, Suite 1700  
Portland, Oregon 97204  
(503) 326-2123 Telephone  
(503) 326-5524 Facsimile  
Lisa\_Hay@fd.org  
Rich\_Federico@fd.org  
Attorneys for Defendant Ryan Payne

**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 PROPOSAL FOR ROUND  
ONE MOTIONS AGENDA &  
CALENDAR FOR ROUND TWO  
MOTIONS**

**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 ANDERSON,  
KENNETH MEDENBACH, BLAINE  
COOPER, WESLEY KJAR, COREY  
LEQUIEU, NEIL WAMPLER, JASON  
CHARLES BLOMGREN, DARRYL  
WILLIAM THORN, GEOFFREY  
STANEK, TRAVIS COX, ERIC  
LEE FLORES, and JAKE RYAN,**

**Defendants.**

The defendants, through AFPD Rich Federico, and the government, through AUSA Ethan Knight, submit the following Joint Proposal For Round One Motions Agenda and Calendar For Round Two Motions, in accordance with paragraphs 6 and 7 of the Court's Order (Doc. 523).

**CERTIFICATION OF CONFERRAL:** Undersigned counsel certifies that Assistant United States Attorney Ethan Knight was provided a copy of, and consulted regarding the content of this Joint Proposal. The proposals herein represent the positions of both the defendants and the government.

**PROPOSED AGENDA FOR MOTIONS ARGUMENT ON MAY 23-25, 2016**

The following is a list of what the parties believe are all motions pending to be argued as Round One motions, the order in which the parties propose the argument be scheduled for the hearing that begins on May 23, 2016, and the amount of time the parties request be allotted for each motion. Regarding the time allotment, the proposal represents the best estimate for the total time for argument for both parties, and the parties attempted to over-estimate the time needed for each argument. If there is a variance in the time estimate, it would likely occur based upon the substance of the Government's Responses, not yet filed, or to ensure counsel can answer any questions the Court may pose.

1. Mr. Ammon Bundy's Motion to Dismiss for Lack of Jurisdiction (Doc. 527) (R. Bundy) – 120 minutes total time allotted for argument;
2. Mr. Payne's Motion to Dismiss (Doc. 480) (Mr. Federico) – 60 minutes total time allotted for argument;
3. Mr. Medenbach's Motion to Dismiss (Docs. 505, 506) (Mr. Medenbach) – 60 minutes total time allotted for argument;

4. Mr. O'Shaughnessy's Motion to Dismiss Count 1 for Vagueness (Doc. 471) (Ms. Baggio) – 120 minutes total time allotted for argument;
5. Ms. Cox and Mr. Ryan's Motion to Dismiss Count 1 as Overbroad (Doc. 474) (Ms. Harris and Mr. Merrithew) – 90 minutes total time allotted for argument;
6. Mr. Santilli's Motion to Dismiss Count 1 as Vague, As-Applied (Docs. 477, 478) (Mr. Coan) – 60 minutes total time allotted for argument;
7. Mr. Santilli's Motion to Dismiss Count 1 as Constitutionally Protected Conduct (Doc. 479) (Mr. Coan) – 60 minutes total time allotted for argument;
8. Mr. Stanek's Motion to Dismiss Count 2 for Vagueness and as Overbroad (Docs. 482, 483) (Mr. Andersen) – 120 minutes total time allotted for argument;
9. Mr. Fry's Motion to Dismiss Count 3 of the Superseding Indictment (Docs. 465, 466) (Mr. Olson) – 120 minutes total time allotted for argument;
10. Mr. Fry's Motion to Compel Discovery (Doc. 493) (Mr. Olson) – 30 minutes total time allotted for argument;
11. Mr. O'Shaughnessy's Motion for Bill of Particulars (Doc. 469) (Ms. Baggio) – 30 minutes total time allotted for argument; and
12. Mr. R. Bundy's Motion to Inspect Grand Jury Records (Doc. 481) (Mr. R. Bundy) – 30 minutes total time allotted for argument.

### **PROPOSED CALENDAR FOR ROUND TWO MOTIONS**

At the Status Conference held on May 4, 2016, the Court and the parties discussed a schedule for the filing and argument for Round Two motions. This discussion arose from the proposed calendar submitted by the parties in the Joint Status Report of April 28, 2016 (Doc. 488).

As it is necessary to amend the proposed schedule, and responsive to paragraph 7 of the Court's Order (Doc. 523), the parties propose the following (*dates relate only to Round 2 motions and not dates relating to other deadlines or case events*):

June 15, 2016	Round Two Defendants' Motions Due (Doc. 523, para. 7).
June 15, 2016	June Status Hearing, 9:30AM (Doc. 523, para. 8) – Include a discussion regarding the likely number of days needed for hearing(s) to litigate Round Two motions.
June 29, 2016	Round Two Government Responses Due (Doc. 523, para. 7).
July 18-22, 2016	Hearings on Round Two Motions.
Aug. 1-5, 2016	<i>If necessary</i> , additional Hearings on Round Two Motions.

There are several purposes in bifurcating hearing dates on Round Two motions. First, it may be possible to resolve all Round Two motions in one week, July 18-22. If, however, it is apparent from the filings that more than one week will be required, the parties can schedule an argument calendar such that those motions that are more time-sensitive can be argued, and potentially resolved, prior to the first week of August. Second, there is already a Status Hearing set for August 3, 2016.<sup>1</sup> The parties will be in a better position at the conclusion of a week-long hearing on July 18-22 to know how much additional time will be needed and how many days, in addition to August 3rd, may be needed. Finally, a week separation will allow the Court and the parties sufficient time to fill any factual or legal research gaps that may arise during the first week of litigation on Round 2 motions.

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<sup>1</sup> The Status Hearing could either be subsumed as part of additional motion hearing dates, or continued as currently scheduled if no additional days are needed after July 22nd to resolve Round Two motions.

Respectfully submitted this 11th day of May, 2016.



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Rich Federico  
Assistant Federal Public Defender  
Attorney for Mr. Payne