

1 DAVID L. ANDERSON (CABN 149604)
United States Attorney

2 BARBARA J. VALLIERE (DCBN 439353)
3 Chief, Criminal Division

4 KEVIN J. BARRY (CABN 229748)
ERIN A. CORNELL (CABN 227135)
5 MEREDITH B. OSBORN (CABN 250467)
Assistant United States Attorneys

6 450 Golden Gate Avenue, Box 36055
7 San Francisco, California 94102-3495
Telephone: (415) 436-6774
8 meredith.osborn@usdoj.gov

9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) CR 17-00533 EMC
14 Plaintiff,) ~~PROPOSED~~ ORDER EXCLUDING TIME
15 v.) FROM OCTOBER 23, 2018 TO FEBRUARY 13,
16 JONATHAN JOSEPH NELSON, ET AL,) 2019
17 Defendants.)
18

19 On October 23, 2018, defendants Jonathan Joseph Nelson, Raymond Michael Foakes, Russell
20 Allen Lyles, Jr., Jeremy Daniel Greer, Brian Wayne Wendt, Russell Taylor Ott, Damien David Cesena,
21 Brian Allen Burke, David Salvatore Diaz, III, and Merle Frederick Hefferman and plaintiff United
22 States of America appeared before the Court for a status. The parties reported on the status of discovery
23 of electronic device materials, discovery related to search warrants executed in the case, and evidence
24 viewing.


25 On December 19, 2018, defendants Jonathan Joseph Nelson, Raymond Michael Foakes, Russell
26 Allen Lyles, Jr., Jeremy Daniel Greer, Brian Wayne Wendt, Russell Taylor Ott, Brian Allen Burke,
27 David Salvatore Diaz, III, and Merle Frederick Hefferman and plaintiff United States of America
28 appeared before the Court for a status. Defendant Christopher Ranieri’s presence was waived, but his

1 counsel appeared. Defendant Damien Cesena’s presence was also waived, but his counsel appeared.
2 The parties reported on the status of written and electronic discovery, the discovery related to the search
3 warrants executed in connection with the case, and the execution of a protective order to produce search
4 warrant related documents in less redacted form. The Court set a further status for February 13, 2019 at
5 2:30 p.m., and directed the parties to appear before Magistrate Judge Beeler to set further discovery
6 dates and parameters for discovery. The Court also set deadlines for defendant Ranieri’s motion for a
7 bill of particulars.

8 Based on the representations of counsel and for good cause shown, the Court finds that time is
9 excludable between October 23, 2018 and February 13, 2019, pursuant to 18 U.S.C. § 3161(h)(7)(A)
10 and (h)(7)(B)(iv), on the basis that the ends of justice served by the continuance outweigh the best
11 interests of the public and defendants in a speedy trial, and because failure to grant a continuance would
12 deny defendants’ counsel the reasonable time necessary for effective preparation, taking into account the
13 exercise of due diligence. The Court also finds that the case is complex based on the number of
14 defendants and the nature of the prosecution, pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii).

15 Therefore, **IT IS HEREBY ORDERED** that the matter is set before this Court on February 13,
16 2019 at 2:30 p.m. for a further status, and that the time between October 23, 2018 and February 13, 2019
17 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

18
19 DATED: January 29, 2019



HON. EDWARD M. CHEN
United States District Judge

20
21
22
23
24
25
26
27
28