

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAVEL BABICHENKO,
PIOTR BABICHENKO,
TIMOFEY BABICHENKO,
KRISTINA BABICHENKO,
DAVID BIBIKOV,
ANNA IYERUSALIMETS, and
MIKHAIL IYERUSALIMETS,

Defendants.

Case No. 1:18-cr-00258-BLW

**MEMORANDUM DECISION
AND ORDER**

Re-trial in this matter is set for May 18, 2022. Collectively, defendants are charged with conspiracy to commit wire fraud, conspiracy to traffic in counterfeit goods, wire fraud, mail fraud, and trafficking in counterfeit goods and devices.

In the present motion, Defendants ask the Court to exclude all evidence of alleged money laundering, including evidence related to Gennady Babitchenko and Brazil. Dkt. 1244. In response, the Government states that the motion is “largely moot” because “[d]uring its case in chief at retrial, the Government will not present evidence underpinning the money laundering charges, Gennady Babitchenko, or

the Defendants' Brazilian properties." Dkt. 1252 at 1. Defendants, in turn, ask the Court to nevertheless grant the unopposed motion. Dkt. 1285.

The Court will not do so. Instead, the Court will deny the motion as moot. The Court is not in the business of issuing unnecessary orders. The Court will, however, hold the Government to its word. Should the Government change its position, introduce evidence, or make arguments that are contrary to its representations to the Court and the other parties, Defendants may raise the issue again.

IT IS ORDERED that

1. Defendants' Motion in Limine (Dkt. 1244) is **DENIED AS MOOT**.



DATED: March 3, 2022

A handwritten signature in black ink, reading "B. Lynn Winmill".

B. Lynn Winmill
U.S. District Court Judge