

1 NICOLA T. HANNA
 United States Attorney
 2 BRANDON D. FOX
 Assistant United States Attorney
 3 Chief, Criminal Division
 DAVID KOWAL (Cal. Bar No. 188651)
 4 Assistant United States Attorney
 1400 United States Courthouse
 5 312 North Spring Street
 Los Angeles, California 90012
 6 Telephone: (213) 894-5136
 Facsimile: (213) 894-0141
 7 E-mail: david.kowal@usdoj.gov

8 Attorneys for Plaintiff
 9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

No. CR 07-689-GW

13 Plaintiff,

GOVERNMENT'S EX PARTE APPLICATION
 TO CONTINUE DATES

14 v.

15 CHARLES LYNCH,

16 Defendant.

17
 18 Plaintiff United States of America, by and through its counsel
 19 of record, the United States Attorney for the Central District of
 20 California, moves ex parte to continue existing dates set forth in
 21 the Court's scheduling order of February 11, 2019, Docket Number
 22 ("Dkt") 511, based on the following facts provided by undersigned
 23 government counsel:

24 1. On February 11, 2019, the on stipulation of the parties,
 25 the Court set forth a new scheduling order setting forth dates for
 26 discovery and related litigation for the matters on remand. The
 27 current deadline for expert discovery is March 13, 2020.

1 2. By this ex parte application, the government requests that
2 this expert deadline, and the other deadlines currently established,
3 be extended for two weeks, for the following reasons.

4 3. The government has a potential expert ("the expert") who
5 has been working diligently for several months on this matter
6 including reviewing the voluminous discovery and record in this case,
7 for the purpose of analyzing issues concerning defendant's compliance
8 with California state marijuana law.

9 4. The undersigned government counsel consulted with the
10 expert this week and learned that the expert is close to completing
11 its analysis and expert report, but will not be finished and be able
12 to provide material to government counsel until next week. In
13 addition, government counsel anticipates that once the expert is done
14 with its current work, government counsel will need additional time
15 to review the expert's work, consult with the expert, and help
16 supplement the expert's disclosures (such as qualifications and the
17 like), and prepare the material for production to the defense.
18 Government counsel thus requests a two-week continuance of the dates
19 currently pending.

20 5. While the two-week period is the minimum time necessary for
21 completion of the government's expert discovery production based on
22 current information in the ordinary course, counsel wishes to alert
23 the Court that developing circumstances with the health crisis, such
24 as office closures, may require a further continuance. Government
25 counsel has chosen to request only the minimum time necessary at this
26 time, but may seek further time if circumstances warrant based on
27 this evolving, unusual circumstance.

28

1 Dated: February 10, 2020

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

/s/

REBECCA M. ABEL
ANGELA VIRAMONTES
ALEXANDRA W. YATES
Attorneys for Defendant
CHARLES LYNCH (signed with authority
by email from Rebecca Abel to AUSA
Kowal on 2/10/2020)