

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>TIFFANY JANIS,</p> <p style="text-align: center;">Defendant.</p>	<p style="text-align: center;">CR. 18-50024-JLV</p> <p style="text-align: center;">SCHEDULING AND CASE MANAGEMENT ORDER</p>
---	---

READ THIS ORDER – DEADLINES HAVE CHANGED

In order to comply with the Speedy Trial Act, 18 U.S.C. § 3161 et seq., and to set forth orderly progression dates, it is

ORDERED that the following deadlines shall apply in this case:

Suppression/voluntariness motions	March 13, 2018
Responses to motions due	Within seven days after motion is filed
Subpoenas for suppression hearing	Ten days prior to suppression hearing
Suppression/voluntariness hearing before Judge Daneta Wollmann ¹	If necessary, to be held prior to March 27, 2018
Applications for Writ of Habeas Corpus Ad Testificandum	March 30, 2018
Other motions/continuance motions	March 30, 2018
Responses to motions due	Within seven days after motion is filed

¹If a suppression hearing is set, an order will be entered vacating all subsequent dates to allow the court time to resolve the motion. Upon resolution of the motion, a new scheduling order will be entered.

Produce all records, recordings and reports associated with Fed. R. Evid. 412, 413 and 415 and experts under Rule 702	March 30, 2018
Subpoenas for trial	April 6, 2018
Plea agreement or petition to plead and statement of factual basis	April 6, 2018
Notify court of status of case and file a joint notice of speedy trial calculation	April 6, 2018
Motions <i>in limine</i>	April 6, 2018
Proposed jury instructions due	April 6, 2018
File <u>Daubert</u> ² challenges to experts	April 6, 2018
Response to motions <i>in limine</i> and proposed jury instructions due	April 11, 2018
<u>Daubert</u> hearing, if needed	Monday, April 16, 2018 at 9 a.m.
Pretrial conference	Monday, April 16, 2018 at 9 a.m.
Jury Trial	Tuesday, April 24, 2018 at 9 a.m.

1. Proposed jury instructions, with citations to authority, shall be filed. Submit only substantive instructions pertaining to the law of the case; do not submit standard or boilerplate instructions.
2. No motions shall be entertained unless they are accompanied by a reasoned memorandum setting forth the precise issues to be considered by the court, together with an explanation of the relevant law to the particular facts of the case. The filing of "boilerplate" motions or memoranda will not satisfy this requirement. Responses to motions shall set forth specific points of law, together with supporting authorities relied upon.
3. Counsel for the parties shall confer, prior to the filing of motions, in order to reach agreement upon all pretrial motions, including motions for discovery and disclosure. The government provides a stipulation form to implement the court's standing discovery order.

²Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579, 592 (1993).

4. Upon request of the defendant, the plaintiff shall forthwith comply with Rule 16(a)(1)(A)-(E).
5. If the defendant requests disclosure under Rule 16(a), such defendant shall, upon request of the plaintiff, forthwith comply with Rule 16(b).
6. The government shall timely furnish all materials required by Brady v. Maryland, 373 U.S. 83 (1963) and Giglio v. United States, 405 U.S. 150 (1972).
7. Any written statements of plaintiff's witnesses discoverable under the Jencks Act, 18 U.S.C. § 3500, shall be furnished to the defendant unless the government demands strict compliance with the Jencks Act.
8. It will be the responsibility of defense counsel to notify defense witnesses not to report if the case **does not** go to trial.
9. In the event a party fails to comply with the provisions of this order, the court may strike a motion, refuse to permit oral argument, rule against the offending party, impose fine, award payment of attorney's fees, or proceed in such other manner as justice requires.
10. Upon a showing of good cause, the court may permit exceptions to the rules set forth in this order.
11. Counsel is responsible for client's prompt attendance at all hearings and trial.
12. If either party believes that an interpreter is necessary for a court proceeding, counsel shall notify the Clerk of Court in writing. The notice shall specify whether an interpreter is needed for the defendant or a witness. If interpreter services are needed for more than an hour, counsel shall give the Clerk of Court at least two weeks' notice. If interpreter services are needed for less than an hour, counsel shall give the Clerk 48 hours' notice.
13. In the event the defendant files a motion for continuance of the trial date set forth in this scheduling and case management order or subsequent scheduling orders, defense counsel must certify in the motion that the defendant concurs in the continuance request and within fourteen (14) days shall file with the clerk a written consent to such continuance and waiver of the Speedy Trial Act signed by the defendant.
14. Counsel may make a motion requesting a copy of the jury list five (5) days in advance of an upcoming trial.

Dated February 23, 2018.

BY THE COURT:

/s/ Jeffrey L. Viken

JEFFREY L. VIKEN
CHIEF JUDGE