

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

UNITED STATES OF AMERICA

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Plaintiffs,

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v.

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1:17-CR-0034 (BKE)

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REALITY LEIGH WINNER

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Defendant.

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**UNOPPOSED MOTION TO STAY ADJUDICATION OF DEFENDANT'S
MOTION *IN LIMINE* REGARDING GOVERNMENT'S NOTICE OF EVIDENCE
UNDER RULE 404(B) AND RELATED DEADLINES**

NOW INTO COURT, through undersigned counsel, comes Defendant Reality Leigh Winner ("Ms. Winner" or "Defendant"), who respectfully moves to defer adjudication of Defendant's Motion and Memorandum of Law in Support of Her Motion *In Limine* and Response to the Government's Notice of Evidence Under Rule 404(b) [Doc. No. 166] (the "Rule 404(b) Opposition") and the Government's underlying Amended Rule 404(b) Notice dated November 6, 2017 (the "Rule 404(b) Notice") and to stay related deadlines, and, in support, states as follows:

1. On November 6, 2017, the Government provided Ms. Winner its Rule 404(b) Notice. On or around November 27, 2017, Ms. Winner filed her Rule 404(b) Opposition [Doc. No. 166]. On or around December 18, 2017, the Government filed the Government's Response to Defendant's Motion *In Limine* and Response to the Government's Notice of Evidence Under F.R.E. 404(b) [Doc. No.188] (the "Response"). The current deadline for Ms. Winner to file her reply brief is February 5, 2018 [Doc. No. 211].

2. The Government and Defense Counsel have met and conferred several times in an attempt to resolve issues related to the Rule 404(b) Opposition and the Government's Rule 404(b) Notice (among other things), and have made some progress, but, as previously disclosed to the Court, have been unable to resolve all of the issues.

3. Most recently, on January 26, 2018, counsel for Ms. Winner and counsel for the Government met again in person to confer specifically about these issues.

4. At the January 26, 2018 meeting, the parties agreed that many of the issues are simply pre-mature at this juncture of the case, and that it is in the best interest of all parties and the resources of this Court to stay deadlines and defer rulings regarding the Rule 404(b) Opposition and the Rule 404(b) Notice until closer to trial, after a number of other issues have been determined.

5. As set forth in the Joint Status Report filed January 8, 2018 [Doc. No. 199], the parties are in the process of preparing a joint proposed fifth amended scheduling order outlining the parties' best assessment at this time of upcoming events or litigation benchmarks that currently can be anticipated in this case and reasonable timeframes within which to complete such tasks.

6. The parties propose to include in their joint proposed fifth amended scheduling order two additional benchmarks and related deadlines pertinent to this motion, as follows: (1) a deadline for the Government to file an amendment or supplement to its Response to reflect any relevant developments between now and the new deadline, including an update regarding any matters that are able to be resolved by agreement between the parties in the interim; and (2) a new deadline to provide Ms. Winner a complete opportunity to reply.

7. In the interim, the parties respectfully request that all related deadlines be stayed and any ruling on this motion deferred pending entry of a revised scheduling order in this case.

8. Counsel for Ms. Winner has conferred with counsel for the Government and provided Government counsel a copy of this motion prior to its filing, and counsel for the Government has confirmed that the Government does not oppose the relief sought in this motion.

WHEREFORE, for the reasons stated above, the Defendant, Reality Winner, with the consent of the Government, respectfully requests that this Court stay deadlines and defer rulings regarding the Rule 404(b) Opposition and the Government's Rule 404(b) Notice pending entry of a revised scheduling order in this case, and that any future revised, scheduling order in this case include both a deadline for the Government to file an amendment or supplement to its Response; and a deadline to provide Ms. Winner a complete opportunity to reply.

Respectfully submitted,

/s/ Joe. D. Whitley

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CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2018, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to counsel of record for all parties.

/s/ Joe D. Whitley
JOE D. WHITLEY

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[PROPOSED] ORDER

Having considered the Unopposed Motion to Stay Adjudication of Defendant's Motion *In Limine* Regarding Government's Notice of Evidence Under Rule 404(b) and Related Deadlines [Doc. No.] (the "Motion"), it is hereby:

ORDERED that the Motion is GRANTED;

IT IS FURTHER ORDERED that any deadlines related to Rule 404(b) matters are stayed pending entry of a revised scheduling order in this case; and

IT IS FURTHER ORDERED that the parties shall propose new deadlines related to Rule 404(b) matters in a joint proposed amended scheduling order as set forth in the Motion.

SIGNED this _____ day of _____, 2018.

THE HONORABLE BRIAN K. EPPS
MAGISTRATE JUDGE
U.S. DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA