

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

MARILYN MOSBY,

Defendant.

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CRIMINAL NO. LKG-22-007

**GOVERNMENT'S RESPONSE TO DEFENDANT'S
MOTION TO CONTINUE RESPONSE DEADLINE**

The Defendant has moved to continue the Court's previously ordered response deadline in this matter, which is set for today. ECF 177. The government opposes this last-minute request for a postponement. This case should proceed as scheduled, and counsel has not shown good cause for further delay.

On September 15, 2022, this Court issued an Amended Scheduling Order, stating that any additional Motions in Limine were to be filed on January 9, 2023, and any responses due two weeks later, January 23, 2022. ECF 122. On January 9, 2023, the government filed a single motion in limine, seeking to exclude defense experts in this matter, ECF 163, as well as a motion to compel the defendant to comply with expert disclosure rules, ECF 154. Neither of these motions were surprising: the government made clear in previous argument it planned to oppose the defendant's experts, and the new disclosure rules were submitted to Congress by the Chief Justice on April 1, 2022 and went into effect on December 1, 2022.

The defendant is currently represented by a half-dozen attorneys. By their own statements, at least two of these attorneys have no possible conflict and should be able to finish these motion responses on time as scheduled today. Mr. Proctor seeks to withdraw because he has a birthday

trip to the United Kingdom planned for his father during the trial dates. *See* ECF 178. A planned paternal spring birthday trip is not good cause for postponing today's response deadline.

Similarly, Professor Outlaw seeks to withdraw because he has teaching obligations during trial. *See* ECF 176. But there is no indication why Professor Outlaw's spring teaching obligations conflict with his ability to file a motions response today. In fact, it appears that Professor Outlaw has no classes scheduled to teach until Wednesday of this week.¹

As for three of the Reed Smith lawyers in this case (excluding Mr. Bolden), they have no conflict in this matter, much less one that precludes them from meeting a deadline today that has been set for months. *See* ECF 175.

Twice this trial has been delayed because of the Defendant's failure to timely obtain and disclose experts. This Court should not permit an open-ended request to delay responses involving these matters again, and risk further delaying trial.

The Defendant's motion should be denied.

Respectfully submitted,

Erek L. Barron
United States Attorney

By: /s/
Leo J. Wise
Sean R. Delaney
Aaron S.J. Zelinsky
Assistant United States Attorneys

¹ See Howard University School of Law, Spring 2023 Course Schedule, available at <http://law.howard.edu/sites/default/files/Final%20with%20Labs%20Spring%202023%20Course%20Schedule%20dcox.pdf> (indicating that Professor Outlaw teaches two classes this term, a lecture which meets 1:40-2:55 M/W and a clinic seminar that meets on Wednesday 3:10-5:30).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day, a copy of the foregoing was electronically filed via CM/ECF which provides notice to counsel of record.

_____/s/_____
Aaron S.J. Zelinsky
Assistant United States Attorney