

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

UNITED STATES OF AMERICA

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v.

NO. 1:17-CR-00034

REALITY LEIGH WINNER

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[PROPOSED] FIFTH AMENDED SCHEDULING ORDER

For good cause shown, the case deadlines are amended as follows:

Date	Description of Deadline
March 30, 2018	Defendant’s deadline to submit to the Court all proposed subpoenas to be issued pursuant to Fed.R.Crim.P. 17(c)(1) ¹
April 30, 2018	Initial Deadline for the Parties to Produce Discovery ² Deadline for Government’s supplemental CIPA Section 4 motion regarding discovery falling within the Court’s Orders dated December 1, 2017 and February 28, 2018
45 days from the initial deadline to produce discovery <u>or</u> 30 days from the Court’s written order regarding the Government’s supplemental CIPA Section 4 motion, whichever is later	Government’s initial Rule 16 Expert Disclosures Due

¹ The subpoenas shall direct the recipient to deliver all unclassified responsive materials to the Clerk of Court for the United States District Court at 600 James Brown Boulevard, Augusta, Georgia 30901 in person or by Federal Express. When the items arrive, the parties and their attorneys may inspect and copy them. Fed. R. Crim. P. 17(c)(1). Delivery of any responsive materials marked classified to a Rule 17 subpoena must be coordinated through the Classified Information Security Officer (CISO). The Government shall have an initial opportunity to inspect the classified items to determine whether to request deletion, redaction or substitution of any classified information pursuant to CIPA Section 4. Any such motion shall be filed within 28 days of the delivery of the information to the Government. Should the Government elect not to file (or fail to file) a CIPA Section 4 motion with regard to the materials, they shall be delivered by the CISO without delay to cleared defense counsel.

²The parties agree that this discovery deadline is an initial production deadline. The parties acknowledge that additional discovery may be produced after this deadline.

60 days from Government's Rule 16 Expert Disclosures	Deadline for Defendant to Supply CISO with Applicable Experts' Information for Security Clearances
30 days from latter of (a) Government's Rule 16 Expert Disclosures; or (b) receipt of security clearance for relevant defense expert	Defendant's Rule 16 Expert Disclosures Due ³
15 days from the Defendant's Rule 16 Expert Disclosures	Deadline for Defendant's Amended CIPA § 5 Notice
30 Days from Defendant's Rule 16 Expert Disclosures	Government's Supplemental Rule 16 Expert Disclosures Due ⁴
14 days from Defendant's Amended CIPA § 5 Notice	Deadline for Government's Objections Regarding Adequacy of Defendant's CIPA § 5 Notice
14 days from Government's Objections Regarding Adequacy of CIPA § 5 Notice	Deadline for Defendant's Response to Government's Objections Regarding Adequacy of CIPA § 5 Notice
7 days from Defendant's Response to Government's Objections Regarding Adequacy of CIPA § 5 Notice	Deadline for Government's Reply in Support of its Objections Regarding Adequacy of Defendant's CIPA § 5 Notice
28 days from Court confirming adequacy of the CIPA § 5 Notice, or the parties indicating to the Court that they have resolved any issues without the requirement of a decision from the Court	Deadline for Government's CIPA § 6(a) Motion
21 days from Government's CIPA § 6(a) Motion	Deadline for Defendant's Response to Government's CIPA § 6(a) Motion
14 days from Defendant's Response to Government's CIPA § 6(a) Motion	Deadline for Government's Reply in Support of its CIPA § 6(a) Motion
7-14 days after Government's Reply in Support of CIPA § 6(a) Motion	Classified CIPA § 6(a) Hearing
21 days from filing of a final written Order on Government's CIPA § 6(a) Motion	Deadline for Government's Motion Pursuant to CIPA § 6(c) ⁵
14 days from Government's CIPA § 6(c) Motion	Deadline for Defendant's Response to Government's CIPA § 6(c) Motion
7 days from Defendant's Response to Government's CIPA § 6(c) Motion	Deadline for Government's Reply in Support of its CIPA § 6(c) Motion
60 days before trial	Deadline for final Pretrial Motions <i>in Limine</i>
14 days after filing of any Pretrial Motion <i>in Limine</i>	Deadline for Responses to Pretrial Motions <i>in Limine</i> and any supplement to the

³ The Defendant's Rule 16 Expert Disclosures shall be filed on a rolling basis in accordance with the applicable deadline for each disclosure.

⁴ The Government's Supplemental Rule 16 Disclosures shall be filed not later than 30 days from the Defendant's final expert disclosure, which shall be identified by the Defendant as such.

⁵ This Scheduling Order establishes deadlines for a CIPA § 6(c) Motion, in case such motion is necessary. If no CIPA § 6(c) Motion is necessary, the parties will meet and confer and propose to the Court new deadlines for the remaining events in the Order.

	Government's prior Response to Defendant's Motion relating to 404(b) evidence
7 days after filing any Response to Pretrial Motion <i>in Limine</i>	Deadline for Replies in Support of Pretrial Motions <i>in Limine</i> including the prior Defendant's Motion relating to Rule 404(b) evidence
14 days before trial	Deadline for production of all Jencks Act materials
90 days after filing of a final written order on CIPA § 6(c) Motion	Trial

SO ORDERED this _____ day of March __, 2018, at Augusta, Georgia.

 BRIAN K. EPPS
 UNITED STATES MAGISTRATE JUDGE
 SOUTHERN DISTRICT OF GEORGIA