

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	<b>Criminal No. 11-CR-10260-NMG</b>
	)	
<b>AARON SWARTZ,</b>	)	
	)	
<b>Defendant</b>	)	

**MOTION FOR ORDER OF EXCLUDABLE DELAY  
PURSUANT TO THE SPEEDY TRIAL ACT**

The United States of America, by and through Assistant United States Attorney Stephen Heymann, moves for an order designating the period from August 16, through and including September 9, as excludable delay pursuant to the Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A), on the grounds that the ends of justice served by granting the requested continuance of time outweigh the best interests of the public and the defendant in a speedy trial. The government further asks this Court to issue the attached proposed Order of Excludable Delay. In support of this request, the government states as follows:

1. The discovery materials contain potentially sensitive, confidential and proprietary communications, documents, and records obtained from JSTOR and MIT, who are alleged in the indictment to be victims. The parties are presently determining whether they can agree on the terms of a protective order for these records, or whether the issue will need to be litigated here before discovery can continue further. In addition, this case involves material computer logs and computer programs. The government anticipates that the defendant will need a period of additional time in which to: (a) review discovery produced by the government; (b) investigate the evidence and

possible defenses; and (c) evaluate the need for, and to prepare, motions to dismiss, suppress, and other pre-trial motions.

2. The government asks the Court to enter an order excluding from the speedy trial computation the period from August 16, 2011 through and including September 9, 2011. This period constitutes “reasonable time necessary for effective preparation, taking into account the exercise of due diligence,” and that the ends of justice served by granting the continuance outweigh the best interest of the public and the defendant in a speedy trial pursuant to the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A) and 3161(h)(7)(B).

3. Government counsel has conferred with defense counsel concerning the relief sought by this motion. Defense counsel has indicated that he intends to file a prompt response to the motion.

Respectfully submitted

CARMEN M. ORTIZ  
UNITED STATES ATTORNEY

Date: August 16, 2011

By: /s/ Stephen P. Heymann  
STEPHEN P. HEYMANN  
SCOTT L. GARLAND  
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document filed through the ECF system will be sent electronically to counsel for Defendant, who is a registered participant as identified on the Notice of Electronic Filing (NEF).

Date: August 16, 2011

/s/ Stephen P. Heymann  
STEPHEN P. HEYMANN  
Assistant U.S. Attorney