

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 11-10260-NMG
)
AARON SWARTZ,)
)
 Defendant)

MOTION TO RESCHEDULE INTERIM STATUS CONFERENCE
AND FOR ORDER OF EXCLUDABLE DELAY

By order dated December 14, 2011, this Court scheduled the next status conference in this case for January 25, 2012 at 10:00 a.m. At that time, the Court planned to set all dates for filing discovery and/or dispositive motions. The Court also requested that counsel for the respective parties file a joint memorandum addressing the matters set forth in Local Rule 116.5(A), including whether a trial was anticipated and what date should be established for the final status conference and/or any other interim status conferences.

Since the last interim status conference, the government has redacted and produced to the defendant the four hard drives of materials contemplated by the agreed protective order. It has also continued to supplement its productions of those materials set forth in Rule 116.1(c).

The government has offered to, and the defendant has requested that the government, produce early many of the materials set forth in Local Rule 116.2(B)(2) and the Jencks Act. To accomplish this, the government is in the process of reviewing an extensive electronic database of materials. The parties believe that producing many of these materials early will enable the defense to better assess the case and any potential dispositive motions to be filed in it, will enable the parties to brief any contested matters for the Court with greater clarity, and is in the

interest of justice.

The parties request that the next interim status conference be postponed until the afternoon of March 15, 2012. At that time, the parties will better be able to assess whether any discovery motions are necessary, and how long the defense will require to review produced discovery materials before filing any dispositive motions they may deem appropriate.

The parties further request that the Court enter an order of excludable delay from January 25 through March 15, 2012 on the grounds that the defendant requires additional time for the preparation of an effective defense, including receipt and review of the supplemental materials being produced by the government, and consideration of alternatives concerning how best to proceed with this matter, and that the interest of justice outweigh the best interest of the public and the defendant for a trial within 70 days of the return of the indictment.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

Stephen P. Heymann
STEPHEN P. HEYMANN
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Date: January 19, 2012