

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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

GOVERNMENT’S OPPOSITION TO DEFENDANT’S MOTION FOR
A CONTINUANCE OF TRIAL DATE AND EXPERT DISCLOSURE DEADLINE

The Court should deny Swartz’s request to put off his trial for another three months to the extent it is based on the amount of trial preparation he still has left to do or on his defense counsels’ schedules. The United States understands that Swartz retained his third set of trial counsel three months before trial, but these deadlines were present when they joined the case and informed the Court on November 8th that they sought no alteration of the present schedule due to their substitution as counsel. (Dkt. No. 73, p. 2).

The Court should deny Swartz’s request for an additional two and a half months to comply with expert disclosure. Swartz agreed to the present schedule for expert disclosure on March 8th (Dkt. No. 34, ¶ 6) and it has been incorporated in every interim status report by the Court since. He was provided forensic reports attaching material files recovered from his laptop computer and USB thumb drive as part of automatic discovery, over a year ago.

The Court should continue the trial date only for so long as will allow the Court to hear and decide Swartz's motions to suppress and dismiss, and the parties thereafter to craft their cases in light of the Court's rulings.

Respectfully submitted,

CARMEN M. ORTIZ
United States Attorney

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

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).

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

Date: December 5, 2012