



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

GMP/AG
F. #2009R01065

*271 Cadman Plaza East
Brooklyn, New York 11201*

September 13, 2018

By ECF

The Honorable Brian M. Cogan
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Joaquin Archivaldo Guzman Loera
Criminal Docket No. 09-466 (S-4) (BMC)

Dear Judge Cogan:

Pursuant to the Court's August 14, 2018 order, the parties respectfully submit the following proposed agenda for the September 20, 2018 status conference:

- 1) Curcio Hearing
 - a. Per the parties filings on August 29, 2018, September 10, 2018, and September 13, 2018, the parties request a hearing pursuant to United States v. Curcio, 680 F.2d 881 (2d Cir. 1982), in regard to the representation of the defendant by Jeffrey Lichtman, Esq.
- 2) Trial schedule
 - a. The defendant requests confirmation of the trial schedule.
 - b. It is unclear whether the defense intends to seek another adjournment of the trial at the status conference.¹ The government opposes any further adjournment of the trial. However, because the defendant may make such a request at the status conference, the government requests a brief adjournment of its deadline to file its second motion in limine.
 - c. The government's second motion in limine, which is presently scheduled to be filed on Wednesday, September 19, 2018, the day before the status

¹ It is unclear what the defense means by "confirmation of the trial schedule." During discussions with the government, however, defense counsel Jeffrey Lichtman, Esq., indicated that he may seek an adjournment of the trial date.

conference, in effect, will disclose the identities of many of its cooperating witnesses. The government thus requests a brief adjournment of its filing deadline, until Friday, September 21, 2018, to permit the defendant to make any adjournment request at the status conference and to allow the Court to rule on any such request, prior to disclosure of the identities of any of its cooperating witnesses. In the event the Court were to grant any adjournment request from the defense, the government intends to seek an additional adjournment of the deadline to file its second motion in limine to protect its cooperating witnesses.

3) Violation 85 Information

- a. The defense requests a deadline for production of Violation 85 information per the Court's Order.
- b. The government anticipates responding the Court's order prior to the status conference. See Dkt. No. 303 at 16 n.4.

4) The defense requests that the Court discuss its procedure for jury selection

Respectfully submitted,

COUNSEL FOR DEFENDANT

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cc: Clerk of the Court (BMC) (by ECF)