



**U.S. Department of Justice**

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October 26, 2016

**By ECF, Email and Courthouse Mail**

Hon. Jose L. Linares, U.S.D.J.  
Martin Luther King Jr.  
Federal Building & Courthouse  
50 Walnut Street, P.O. Box 999  
Newark, NJ 07101-0999

Re: United States v. Paul Bergrin, Criminal No. 09-369 (JLL)

Dear Judge Linares:

The Government hereby respectfully requests an amendment to the Court's current briefing schedule in this matter. Paul Bergrin's appointed counsel does not oppose the Government's request and is attempting to contact Mr. Bergrin to discuss the matter.

Pursuant to the current scheduling order the Government's opposition to Mr. Bergrin's Rule 33 motion is due on October 31, 2016 and Mr. Bergrin's reply in support of Mr. Bergrin's Rule 33 motion is due on December 15, 2016. The Government is committed to providing the Court with as complete and organized a response as possible to help the Court resolve this Rule 33 motion, but will need an additional thirty days to adequately prepare its opposition. Obviously, the Government also requests the date for appointed counsel's reply be extended for a similar period of time.

Accordingly, the Government proposes the following amended schedule for resolution of the Rule 33 motion:

1. The Government's memorandum of law in opposition to the Rule 33 motion shall be filed no later than Wednesday, November 30, 2016.

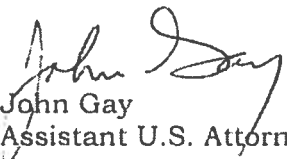
2. Mr. Bergrin's reply memorandum of law in further support of the Rule 33 motion shall be filed no later than Wednesday, January 18, 2017.
3. Upon completion of briefing, the Court will determine whether any hearing or argument on the Rule 33 motion is necessary.

This amended briefing schedule should enable both parties to prepare well-researched and supported memoranda regarding the merits of the Rule 33 motion.

Accordingly, the Government respectfully requests that the proposed amended briefing schedule be entered.

Respectfully submitted,

Paul J. Fishman  
United States Attorney

By:   
John Gay  
Assistant U.S. Attorney

cc: Lawrence S. Lustberg Esq.  
(by email)

So ordered this <sup>27</sup> day of October, 2016

  
Hon. Jose L. Linares, U.S.D.J.