



U.S. Department of Justice

United States Attorney

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Appeals Division

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July 22, 2016

By ECF 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. Bergrin*, No. 09-cr-369 (JLL)

Your Honor:

I write with the conditional consent of Paul Bergrin's appointed counsel to propose an extended briefing schedule for resolving Bergrin's recently filed Rule 33 motion. (Counsel's consent is conditional because, although he believes that Bergrin will consent to the proposed schedule, counsel is awaiting Bergrin's response and will apprise this Court of Bergrin's final position.)

Bergrin contends in his motion that various categories of supposedly newly discovered evidence warrant granting him a new trial. Responding to that motion will require the Government to review voluminous material, including wiretap recordings never introduced at Bergrin's trials but produced to Bergrin long before his first trial. It may also require the Government to interview several witnesses. Compounding the problem, one crucial member of the three-AUSA trial team will soon be leaving the Office after many years of distinguished service, while another has a multi-week trial scheduled to begin in late September before the Hon. William H. Walls, Sr. U.S.D.J. Meanwhile, Bergrin's appointed counsel will need substantial time to reply to the Government's response.

Accordingly, the Government proposes the following 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 Monday, October 31, 2016.
2. Bergrin's reply memorandum of law in further support of the Rule 33 motion shall be filed no later than Thursday, December 15, 2016.

3. Upon completion of briefing, the Court will determine whether any hearing or argument on the Rule 33 motion is necessary.

This extended briefing schedule should enable me, with the help of the remaining members of the trial team, to review all of the factual material necessary for responding to Bergrin's claims. It should also enable both parties to prepare well-researched and supported memoranda regarding the merits of the Rule 33 motion. And the 45-day time period for the reply should enable appointed counsel to review the reply with Bergrin before filing it.

Accordingly, the Government respectfully requests that its proposed briefing schedule for the Rule 33 motion be entered.

Respectfully submitted,

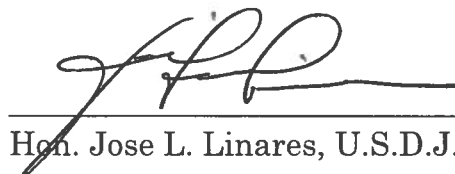
PAUL J. FISHMAN
UNITED STATES ATTORNEY



By: Mark E. Coyne
Assistant U.S. Attorney
Chief, Appeals Division

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

So ordered this 27 day of July, 2016



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