

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

United States of America,

Criminal No. 16-cr-334-JNE-KMM

Plaintiff,

v.

**ARRAIGNMENT ORDER**

(2) John L. Steele,

Defendant.

---

A hearing was held before the undersigned United States Magistrate Judge on January 9, 2017. Defendant was present in court with his attorneys, Peter Wold, Esq. and Mark Eigarsh, Esq. The government was represented by Benjamin Langner, Assistant United States Attorney, and Brian L. Levine, Senior Counsel in the Department of Justice's Computer Crime and Intellectual Property Section.

Defendant identified himself by name and birth date, waived the reading of the indictment, and entered a plea of not guilty.

**Pursuant to Local Rule 12.1 (copy attached), IT IS HEREBY**

**ORDERED** that:

1. The government must make all disclosures required by Federal Rule of Criminal Procedure 16(a) by **January 17, 2017**. D. Minn. LR 12.1(a)(1). In order to avoid the need for a recess of the motions hearing, the government is requested to

make, by **January 17, 2017**, all disclosures which will be required by Fed. R. Crim. P. 26.2 and 12(h).

2. Defendant must make all disclosures required by Federal Rule of Criminal Procedure 16(b) by **January 23, 2017**. D. Minn. LR 12.1(a)(2).

3. All motions in the above-entitled case must be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **January 30, 2017**.<sup>1</sup> D. Minn. LR 12.1(c)(1).

4. **Counsel must electronically file a letter on or before January 30, 2017, if no motions will be filed and there is no need for hearing;**

5. All responses to motions must be filed by **February 13, 2017**. D. Minn. LR 12.1(c)(2).

6. Any Notice of Intent to Call Witnesses<sup>2</sup> must be filed by **February 13, 2017**. D. Minn. LR. 12.1(c)(3)(A).

7. Any Responsive Notice of Intent to Call Witnesses<sup>3</sup> must be filed by **February 16, 2017**. D. Minn. LR 12.1(c)(3)(B).

---

<sup>1</sup> “Before filing a motion under Fed. R. Crim. P. 12(b), the moving party must confer with the responding party. The parties must attempt in good faith to clarify and narrow the issues in dispute.” D. Minn. LR 12.1(b).

<sup>2</sup> “When a party intends to call witnesses at a hearing on a motion under Fed. R. Crim. P. 12(b), the party must file a notice within 35 days after the arraignment. The notice must identify the number of witnesses whom the party intends to call, the motion or motions that each witness will be addressing, and the estimated duration of each witness’s testimony.” D. Minn. LR 12.1(c)(3)(A).

<sup>3</sup> “If after reviewing a notice under LR 12(c)(3), a party intends to call witnesses at the same hearing, that party must file a responsive notice within 38 days after the arraignment. The responsive party must identify the number of witnesses whom the party intends to call, the motion or motions each witness will be addressing, and the estimated duration of each witness’s testimony.” D. Minn. LR 12.1(c)(3)(B).

8. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The government makes timely disclosures and Defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

9. If required, the motions hearing will be heard before Magistrate Judge Katherine Menendez on **February 28, 2017**, at **1:00 p.m.**, in **Courtroom 8E**, U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota. D. Minn. LR 12.1(d).

10. **TRIAL:**

- a. **IF NO PRETRIAL MOTIONS ARE FILED BY**

**DEFENDANT: the following trial and trial-related dates are:**

All voir dire questions and jury instructions and trial related motions (including motions in limine) must be submitted to District Judge Joan N. Ericksen on or before **March 6, 2017**.

This case must commence trial on **March 13, 2017**, at **9:30 a.m.** before District Judge Joan N. Ericksen in Courtroom 12W, U.S. Courthouse, 300 South Fourth Street, **MINNEAPOLIS**, Minnesota.

- b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions.**

**Counsel must contact the Courtroom Deputy for District Judge Ericksen to confirm the new trial date.**

Dated: January 9, 2017

s/ Katherine Menendez  
Katherine Menendez  
United States Magistrate Judge