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15 UNITED STATES OF AMERICA

16 UNITED STATES DISTRICT COURT

17 FOR THE CENTRAL DISTRICT OF CALIFORNIA

18 UNITED STATES OF AMERICA,

19 Plaintiff,

20 v.

21 RICHARD AYVAZYAN,
aka "Richard Avazian" and
22 "Iuliia Zhadko,"
MARIETTA TERABELIAN,
23 aka "Marietta Abelian" and
"Viktorika Kauichko,"
24 ARTUR AYVAZYAN,
aka "Arthur Ayvazyan," and
25 TAMARA DADYAN,

26 Defendants.

No. CR 20-579-SVW

GOVERNMENT'S REQUEST FOR LEAVE TO
FILE A REPLY BRIEF IN SUPPORT OF
ITS *EX PARTE* APPLICATION FOR
(1) CONTINUANCE OF TRIAL DATE AND
(2) FINDINGS OF EXCLUDABLE TIME
PURSUANT TO THE SPEEDY TRIAL ACT

GOVERNMENT'S REPLY BRIEF LODGED
CONCURRENTLY HERewith

1 Plaintiff the United States of America, by and through its
2 counsel of record, the United States Attorney for the Central
3 District of California, Assistant United States Attorney Julian L.
4 André, and Department of Justice Trial Attorney Christopher Fenton,
5 hereby seeks leave to file the concurrently lodged reply brief in
6 support of its ex parte application for entry of an order:

7 (1) continuing the trial date in this matter; and (2) excluding time
8 from the Speedy Trial Act calculation for excludable delay.

9 The government's proposed reply brief is necessary to respond to
10 certain arguments defendant RICHARD AYVAZYAN ("R. AYVAZYAN") made in
11 his opposition, namely, defendant R. AYVAZYAN's affirmative request
12 that the Court set certain pretrial deadlines, including a December
13 22, 2020 discovery cutoff, and then exclude government evidence if
14 those new deadlines are not met. Specifically, the government seeks
15 to:

- 16 • Provide the Court with an update regarding the status of the
17 government's efforts to produce discovery to defendants in
18 this matter.
- 19 • Respond to defendant R. AYVAZYAN's inaccurate claims
20 regarding the government's efforts to produce discovery to
21 defendants in this matter.
- 22 • Respond to defendant R. AYVAZYAN's argument that The
23 Honorable John F. Walter's ruling in United States v. Cai,
24 No. CR 19-761-JFW (C.D. Cal.) supports defendants' request
25 that the Court impose a December 22, 2020 discovery cutoff
26 and, and then sanction the government for failing to comply
27 with those new pretrial deadlines.

1 The government's proposed reply brief does not focus on the
2 government's request for a continuance of the trial date or the
3 issuance of findings of excludable time under the Speedy Trial Act,
4 as those issues were already addressed in the government's initial ex
5 parte application.

6 On the evening of December 20, 2020, the government emailed
7 counsel for each of the defendants to obtain their respective
8 positions regarding the government's request for leave to file a
9 reply brief. As of the time of this filing, defendants' counsel have
10 not responded to the government's email and their positions regarding
11 this request is unknown.

12 Dated: December 21, 2020

Respectfully submitted,

13 NICOLA T. HANNA
14 United States Attorney

15 BRANDON D. FOX
16 Assistant United States Attorney
Chief, Criminal Division

17 /s/
18 _____
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20 Attorneys for Plaintiff
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