

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

UNITED STATES OF AMERICA,	)	
	)	CASE NO. CR20-0174-JCC
Plaintiff,	)	
	)	Seattle, Washington
v.	)	
	)	April 7, 2021
ERIC SHIBLEY,	)	9:25 a.m.
	)	
Defendant.	)	STATUS HEARING
	)	
	)	

VERBATIM REPORT OF PROCEEDINGS
BEFORE THE HONORABLE JOHN C. COUGHENOUR
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff: LAURA CONNELLY
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Criminal Division
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Reported by: NANCY L. BAUER, CCR, RPR
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PROCEEDINGS

THE CLERK: First on the calendar is CR20-174-JCC,
United States of America versus Eric Shibley.

Counsel, please make your appearances for the record.

MR. WERNER: Good morning, Your Honor. Brian Werner
on behalf of the United States.

MS. CONNELLY: And Laura Connelly on behalf of the
United States. Good morning.

MR. NANCE: Good morning, Your Honor. Michael Nance
for Eric Shibley.

THE COURT: All right. Counsel, have you conferred
with one another about a potential trial date?

MR. WERNER: We have, Your Honor.

THE COURT: What do you want?

MR. WERNER: I'll let Mr. Nance speak.

THE COURT: Okay. Mr. Nance?

MR. NANCE: Thank you, Your Honor.

We're asking for a trial date in mid November or later. I
can give you a lot of reasons why we need at least that much
time. It's a complex case; very document intensive. It's been
investigated by multiple federal agencies.

Everybody knows about the constraints of the pandemic.
It's especially a problem in this case.

Many of the perspective defense witnesses are, oh, I would

1 say, marginal people without stable addresses or working phones.
2 It simply hasn't been practical to send an investigator out to
3 find them.

4 Even meeting with Mr. Shibley has been problematic,
5 sometimes impossible. He's been in and out of quarantine and in
6 protective custody at the FDC. He's usually unable to call me,
7 even.

8 There's a protective order in place that prevents the
9 sharing of documents, even though this case is all about
10 documents, and it's just much more difficult. You can't do a
11 lot of this stuff by video.

12 THE COURT: Has he been vaccinated yet?

13 MR. NANCE: Sorry, Your Honor?

14 THE COURT: Has he been vaccinated yet?

15 MR. NANCE: I don't know that he has. He's, actually,
16 had COVID-19, so he has some natural immunities.

17 THE COURT: Okay. Go ahead.

18 MR. NANCE: Yeah.

19 The only other thing I would say is, even CourtLink
20 communication is not -- it's far from ideal, as we've learned.
21 It's not confidential. So even in normal times, this would be
22 an appropriate length of time to put over a case, so...

23 THE COURT: Let me hear from the government.

24 MR. WERNER: Your Honor, we have spoken with
25 Mr. Nance, and we do -- based on Mr. Nance's representations to

1 us and to the court today, we believe there is good cause to set
2 the trial over to November.

3 THE COURT: Okay. Gabe?

4 THE CLERK: November 15th.

5 THE COURT: Speak up, Gabe. I can't hear you.

6 THE CLERK: Your Honor, November the 15th.

7 THE COURT: November 15? Does that work for you,
8 counsel?

9 MR. NANCE: That works for us.

10 THE COURT: All right. If can't agree upon other
11 deadlines and motions and the like, if you will, we'll set the
12 case over to November 15th, and I'll make speedy trial findings
13 and issue an order.

14 Thank you, counsel.

15 MR. NANCE: Thank you, Your Honor.

16 (Matter concluded at 9:29 a.m.)
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C E R T I F I C A T E

I, Nancy L. Bauer, CCR, RPR, Court Reporter for the United States District Court in the Western District of Washington at Seattle, do hereby certify that I was present in court during the foregoing matter and reported said proceedings stenographically.

I further certify that thereafter, I have caused said stenographic notes to be transcribed under my direction and that the foregoing pages are a true and accurate transcription to the best of my ability.

Dated this 6th day of May 2022.

/S/ Nancy L. Bauer

Nancy L. Bauer, CCR, RPR
Official Court Reporter