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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----x
4 UNITED STATES OF AMERICA

5 v.

21 CR 746 (MKV)
Conference

6 ADEDAYO ILORI and
7 CHRIS RECAMIER

8 Defendants

9 -----x

10 New York, N.Y.
11 June 7, 2022
12 11:00 a.m.

13 Before:

14 HON. MARY KAY VYSKOCIL

District Judge

15 APPEARANCES

16 DAMIAN WILLIAMS

United States Attorney for the
Southern District of New York

17 DANIEL NESSIM

Assistant United States Attorney

18 BRILL LEGAL GROUP

Attorney for Defendant Ilori

19 PETER E. BRILL

20 QUINN EMANUEL URQUHART & SULLIVAN LLP

Attorneys for Defendant Recamier

21 MARC GREENWALD

MICHAEL LINNEMAN

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(In open court; case called)

DEPUTY CLERK: Good morning, your Honor.

THE COURT: Good morning, Ms. Dempsey.

Please be seated everyone.

DEPUTY CLERK: Counsel, starting with the government,
please state your name for the record.

MR. NESSIM: Good morning, your Honor. Daniel Nessim
for the government.

THE COURT: Good morning, Mr. Nessim.

MR. BRILL: Good morning, your Honor. Peter Brill on
behalf of Mr. Ilori.

THE COURT: Good morning, Mr. Brill.

MR. GREENWALD: And Marc Greenwald and Michael
Linneman, Quinn Emanuel Urquhart & Sullivan on behalf of
Mr. Recamier.

THE COURT: Good morning, Mr. Greenwald and
Mr. Linneman.

And good morning to our court reporter, Ms. Lynch.
Thank you for being here.

And good morning gentlemen, Mr. Ilori and
Mr. Recamier.

So we're here for a status conference in this matter.
When we were last together, it was some, but not all, of us
that were together.

I appointed new counsel Mr. Greenwald to represent

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1 Mr. Recamier. Have you had a chance to meet with your client,
2 sir?

3 MR. GREENWALD: We have met with him. And we've
4 spoken to both the government and to prior counsel. Prior
5 counsel has been assembling the discovery and finally was able
6 to send it to us by Fed Ex yesterday. We are hopeful that it
7 will be in our office today, but as of now we do not yet have
8 the discovery in Mr. Recamier's case, but we have met with him,
9 and we have had -- we've spoken to the government, your Honor.

10 THE COURT: All right. Well, as you know, I entered
11 an order in this case scheduling it for trial on July 13. I
12 have a letter that I received from the government pursuant to
13 my order in which parties are advised to submit a status report
14 a week or so before a conference, and in this letter the
15 government advises me that counsel for Mr. Ilori now has a
16 conflict.

17 MR. BRILL: It's not a conflict per se, your Honor.
18 It's a lot of moving parts, however. As you recall, your
19 Honor, you asked us for blackout dates.

20 THE COURT: Right, and I scheduled around them, and I
21 made very clear these are firm trial dates, and I will not
22 accept a delay.

23 MR. BRILL: Judge, if I can explain briefly. Another
24 judge in state court set a July 5 trial date.

25 THE COURT: Of what?

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1 MR. BRILL: A criminal case in Suffolk County.

2 THE COURT: Totally different case?

3 MR. BRILL: Yes, totally different case.

4 And so, again, didn't want to brook any delays so that
5 case was set down for that date. I was waiting for this
6 conference to speak with your Honor to determine what I can
7 speak to you and speak to that judge and see what might be able
8 to be done there. Completely separately from that, I have a
9 judge in D.C. who set a mid August date. So, as you know, your
10 Honor, with all the backups over the past number of months,
11 there are a lot of courts that want to schedule trials and the
12 judge in D.C., while we asked for -- both the government and I
13 asked for a late fall or even early next year date, stated that
14 because of all the July 6, excuse me, January 6 trials in D.C.,
15 that he wants to put all the other trials in prior to those
16 going to trial.

17 So now potentially I have a July 5, a July 13 and an
18 August 15. I just want to let you know, Judge, it's going to
19 be difficult to juggle all of those. So that's when Mr. Nessim
20 and I spoke. I asked him to put that sentence into the letter
21 to give you some advance notice.

22 THE COURT: Why did you not tell the judge in Nassau
23 County that you have a July 13 trial?

24 MR. BRILL: I did, Judge. Much with the same
25 conversation we're having, that judge doesn't want to move that

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1 one.

2 THE COURT: This was scheduled first.

3 MR. BRILL: No, this was -- that actually was
4 scheduled before we got the date from you.

5 THE COURT: Then you should have advised me.

6 MR. BRILL: I should have sent you a letter a week
7 before or so, yes.

8 THE COURT: No. You should have sent me a letter --
9 if you're telling me you have the July 5 trial date before I
10 entered the scheduling order in this case on May 20, then you
11 should have sent me a letter amending your list of blackout
12 dates, and you didn't.

13 MR. BRILL: That's correct.

14 THE COURT: We're going to trial on July 13. We have
15 a final pretrial conference on July 6.

16 All right. By the way, has the government provided
17 notice to victims?

18 MR. NESSIM: Of the case, your Honor?

19 THE COURT: Yeah.

20 MR. NESSIM: Yes. We've contacted almost all of the
21 ID theft victims that have been identified. I believe they're
22 still in the process of making contact with one of them who
23 believes he is still potentially the victim of a scam.

24 THE COURT: An ongoing scam?

25 MR. NESSIM: Well, I think he is just nervous, because

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1 he's the victim of identity theft, to answer call from unknown
2 numbers, and the banks and obviously the government SBA
3 authorities have been notified.

4 THE COURT: Okay. And you've notified them of the
5 trial date?

6 MR. NESSIM: We have not specifically notified them of
7 the trial date.

8 THE COURT: What are you waiting for? Are they
9 entitled to notice under the Crimes Victims Act?

10 MR. NESSIM: They are. And we will make that notice.
11 I should take that back, your Honor. I'm not sure if our
12 victim notification specialist has made that notification, but
13 if she has not, I will make sure it is made promptly.

14 THE COURT: Okay. So by way of pretrial submissions,
15 Mr. Greenwald, you're new to the group. So have you reviewed
16 my individual practice rules and are you familiar with what you
17 need to be doing to prepare?

18 MR. GREENWALD: I have, your Honor. I have grave
19 concern that I won't be able to by June 15 be able to meet the
20 Court's expectations without having seen the discovery yet.

21 THE COURT: June 15 is the deadline for in limine
22 motions. June 22 is the deadline for proposed jury
23 instructions and verdict form and any voir dire.

24 MR. GREENWALD: Yes, your Honor. We will do
25 everything we can to meet the deadlines, but we -- you know,

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1 without having seen the discovery, it's absolutely impossible
2 for me to function as a defense lawyer and represent we can
3 provide adequate representation.

4 THE COURT: I understand. I understand. I didn't ask
5 you about that yet. I asked if you reviewed my rules and
6 understand what you need to be doing.

7 MR. GREENWALD: Yes, your Honor.

8 THE COURT: So right now the order says that by
9 June 22, the parties should submit what's required under my
10 individual practice rules, and that includes proposed jury
11 instructions. The format in which I want them is -- and it
12 does say joint proposed voir dire jury instructions and verdict
13 forms three weeks prior to the trial date. And the form I want
14 them in is one instruction per page, obviously.

15 To the extent you agree on things, terrific. To the
16 extent you don't agree on things in the same document, for each
17 individual instruction, give me what the government proposes
18 and give me what the defendant or defendants propose. I don't
19 know if you're both working together. Are you coordinating?
20 You don't have to answer that, but I want a joint document with
21 any disagreements noted. For jury instructions, authority
22 should be provided for what you would propose to have me
23 instruct the jury.

24 Verdict form, again, one document. And if there's
25 disagreements, note them, and we'll resolve these disagreements

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1 then either at the charging conference for the jury
2 instructions or at the final pretrial conference for the voir
3 dire and the verdict form.

4 Voir dire, as well, if there are any questions, you
5 know, unique to this case that you feel need to be answered,
6 then you can submit them to me, but otherwise voir dire is a
7 straightforward matter. I conduct the voir dire. If you have
8 additional questions, I'll entertain them. All right?

9 You should be prepared to talk to me at the final
10 conference about how long the government anticipates its case
11 will be and reactions from the defendants, if you have
12 reactions, and number of proposed alternates. Okay?

13 Is there anything else we should talk about or -- I
14 should mention that I do have the motion to suppress. We will
15 be getting you a ruling later this week on that. Is there
16 anything else then that we can accomplish today?

17 MR. NESSIM: Your Honor, I would like to move to
18 exclude time under the Speedy Trial Act to the trial date of
19 July 13, 2022 to allow the parties time to prepare for trial.

20 THE COURT: Mr. Greenwald.

21 MR. GREENWALD: No objection, your Honor.

22 THE COURT: All right. And Mr. Brill?

23 MR. BRILL: No objection to that, your Honor. I have
24 one matter to raise.

25 THE COURT: I'll get to that in one moment then.

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1 So the Court will exclude all time between today and
2 July 13. I do find that the interests of justice are served by
3 the exclusion of such time in order to allow the parties time
4 to prepare for trial; Mr. Greenwald, in particular, to
5 hopefully obtain the materials from predecessor counsel and get
6 up to speed and confer with his client. I do find that the
7 interests of justice served by excluding such time outweigh the
8 interests of the defendants and the public in a speedy trial.

9 Mr. Brill?

10 MR. BRILL: Thank you, your Honor.

11 Just anticipating the potential similar reaction from
12 the judge in Suffolk County. If the pretrial conference is
13 scheduled for the 6th and I'm engaged, how would you like me to
14 address that?

15 THE COURT: Do you have colleagues?

16 MR. BRILL: Yes, your Honor.

17 THE COURT: I guess you see whether your colleagues
18 can step in out there.

19 MR. BRILL: I may be on trial out there, so they may
20 have to step in here for the pretrial conference.

21 THE COURT: They'd better be prepared. That's all I
22 can say.

23 MR. BRILL: Thank you, your Honor.

24 THE COURT: How long is your July 5 trial scheduled to
25 go?

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1 MR. BRILL: They anticipate less than a week.
2 THE COURT: All right. Anything else from anyone?
3 All right. Then I thank our court reporter, and I
4 will see everyone on July 6.
5 (Adjourned)

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