UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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UNITED STATES OF AMERICA,	)	Criminal Action
	)	No. 20-00278
Plaintiff,	)	
	)	
vs.	)	
	)	
KEITH BERMAN,	)	Washington, D.C.
	)	September 5, 2023
Defendant.	)	3:02 p.m.
	)	
* * * * * * * * * * * * * * * * * *	)	

TRANSCRIPT OF STATUS CONFERENCE
CONDUCTED VIA ZOOM
BEFORE THE HONORABLE TREVOR N. McFADDEN
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE GOVERNMENT:
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Criminal Division, Fraud Section
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FOR THE DEFENDANT:
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REPORTED BY: LISA EDWARDS, RDR, CRR
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United States District Court for the District of Columbia
333 Constitution Avenue, Northwest
Room 6706
Washington, D.C. 20001
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THE COURT: Good afternoon, folks.

THE COURTROOM DEPUTY: Your Honor, this is Criminal Case 20-278, the United States of America versus Keith Berman.

Counsel, please introduce yourselves for the record, starting with the Government.

MR. REILLY: Matthew Reilly for the United States. Good afternoon, your Honor.

MR. XENAKIS: Good afternoon, your Honor. Nicholas Xenakis for Mr. Berman, who is present. I'm joined by José Giron and José Ramos, Lori Taubman and Shelly Peterson.

Mr. Collins has unfortunately been delayed by a separate hearing in Maryland this afternoon. Mr. Robinson is also here today.

THE COURT: All right. Good afternoon, folks.

We're here for a status conference. I have reviewed the parties' sealed joint status report.

I guess as I understand it, there's at this point nothing that is suggesting we can't proceed as planned, although I recognize there may be some later tests that would suggest otherwise. But it looks to me like right now we're on track for late December.

So let me ask you, Mr. Reilly, is that your understanding and view?

MR. REILLY: Yes, your Honor.

We conferred with Mr. Berman's counsel last week, talked about the substance of the status report. And our understanding is, barring any developments in Mr. Berman's medical condition, which the parties agree will be reevaluated and readdressed with the Court in November, we're on pace for a December trial with more or less four trial days with the exception, I believe, of needing more regular bathroom breaks than normal in order to accommodate Mr. Berman's medical condition. But otherwise, the Government's prepared to go and prepared to go in December, and that's our understanding of the Defendant's position as well.

THE COURT: Okay. And I guess -- there's no reason for having those doctors' appointments in November rather than sooner.

MR. RAMOS: Your Honor, that's the representation made by Dr. Truman, who is the medical director of the Columbia Regional Medical Center. He said that they're upcoming, but he could not give us firm dates as to when these medical consultations would occur.

I agree with you. If we could get those scheduled sooner than later and be able to make a determination what, if any, effect it would have on trial proceedings, that would be our preference. That might require some leverage

from the Court on the medical facilities and the Marshals Services.

THE COURT: So he's in custody, but I think it's at a private institution on the East Coast now. Is that fair, Mr. Ramos?

MR. RAMOS: That's my understanding. It's a quasi. They are held in custody and it is also private, your Honor.

THE COURT: So it's not out of -- there's no indication from your perspective that he'll be making a determination as --

MR. RAMOS: Negative, your Honor. That's what Dr. Truman represented to us, that he'd likely make a reevaluation in November.

THE COURT: Okay. And otherwise, based on the information, you all are comfortable with the schedule that's been laid out at this point. Is that correct, Mr. Ramos?

MR. RAMOS: Yes, your Honor. Barring any developments, health developments, yes.

THE COURT: And I guess we'll be anticipating the briefing here over the next few weeks.

Anything else that we need to discuss today, Mr. Ramos?

MR. RAMOS: No, your Honor.

THE COURT: Okay. And, Mr. Reilly, anything further from you?

MR. REILLY: Not from the Government. Thank you, your Honor.

THE COURT: Okay. I think I'm just inclined to not set another date right now. I think I probably will reach out to the Marshals Service and see if they are able to try to push things up on the check-in day. But I'm not sure that setting something right now is going to be very meaningful.

So I guess I'm inclined just to leave things as they are, but count on the parties to stay in touch and of course on top of Mr. Berman's situation. And let me know if you learn of anything that would suggest a change to our current schedule is required.

All right. Anything further for the Government?

MR. REILLY: Not today. Thank you, your Honor.

THE COURT: Mr. Ramos?

MR. RAMOS: No, your Honor. Thank you so much.

THE COURT: Thanks, folks. I look forward to seeing you all then.

(Proceedings concluded.)

CERTIFICATE

I, LISA EDWARDS, RDR, CRR, do hereby certify that the foregoing constitutes a true and accurate transcript of my stenographic notes, and is a full, true, and complete transcript of the proceedings produced to the best of my ability.

Dated this 21st day of May, 2024.

/s/ Lisa Edwards, RDR, CRR
Official Court Reporter
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