DISTRICT JUDGE'S MINUTES
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA – PHOENIX

U.S. District Judge: Diane J. Humetewa	**Date:** July 27, 2023
USA v. Michael Lacey et al	**Case Number: CR-18-00422-001-PHX-DJH**

Assistant U.S. Attorneys: Andrew C. Stone, Austin Berry, Kevin M. Rapp, Margaret Perlmeter, Peter Kozinets

Attorney for Defendants: Paul J. Cambria Jr., Retained for Defendant Lacey, present; **Joseph N. Roth, Sarah P. Lawson, Timothy J. Eckstein**, Retained for Defendant Larkin, present; **Bruce S. Feder**, Retained and **Eric W. Kessler**, CJA for Defendant Spear, present; **Gary S. Lincenberg, Gopi K. Panchapakesan**, Retained for Defendant Brunst, present; **David S. Eisenberg**, CJA for Defendant Padilla, present telephonically; **Joy M. Bertrand**, CJA for Defendant Vaught, present telephonically.

Defendants: ☒ Present ☐ Not Present ☐ Released ☐ Custody ☐ Summons ☐ Writ

FINAL PRETRIAL CONFERENCE:

1:04 p.m. Final Pretrial Conference held. Counsel and Defendants present. Trial logistics and schedule discussed. Trial will be in recess on Friday, September 29, 2023. Mr. Lincenberg's objections to the trial schedule are overruled. Mr. Eckstein's renewed oral Motion to Continue Trial is denied. The Court will sit 16 jurors. Defendants will have 15 strikes total and the Government will have 9 strikes. Strikes will be simultaneous. Motions in Limine discussed.

As set forth on the record, **IT IS ORDERED** that the Government's Motion in Limine to Preclude Defense from Arguing Legality of Ads (Doc. 1592) is **DENIED without prejudice**, subject to further objection at trial. **IT IS FURTHER ORDERED** that the Government's Motion in Limine to Preclude Defense from Commenting on Legitimacy of Prosecution (Doc. 1598) is **GRANTED** to the extent it relates to the following statement at issue in the Motion: "When you have the law and the facts on your side, you go to civil court, when you don't, you take people's money so that they can't defend themselves and you bring a criminal charge." **IT IS FURTHER ORDERED** that the Government's Motion in Limine to Preclude Defense from Referencing Craigslist Meetings with Attorneys General (Doc. 1600) is **DENIED without prejudice**, subject to further objection at trial. 2:07 p.m. Recess.

2:26 p.m. Court reconvenes. Counsel and Defendants present. Discussion held re: Jury Instructions. **IT IS ORDERED** that by July 31, 2023, Defendants may file a supplemental motion no longer than seven (7) pages regarding the draft Travel Act jury instructions and specific references to state law. The Government shall respond by August 2, 2023. No reply is permitted.

Juror Questionnaires discussed. Upon review of the parties' stipulated strikes, **IT IS ORDERED** striking said stipulated jurors. Disputed strikes discussed. 4:06 p.m. Recess.

4:24 p.m. Court reconvenes. Counsel and Defendants present. Disputed strikes discussed. The Court's ruling as to the disputed strikes for hardship and cause are set forth on the record. The remaining jurors will be scheduled to report for jury selection. Additional trial logistics discussed.

IT IS ORDERED setting a Hearing for **August 4, 2023, at 1:00 PM** in the Special Proceedings Courtroom, 401 West Washington Street, Phoenix, AZ 85003. The Court will take up the statement of the case, permit the parties to make a record on the finalized jury instructions, and address miscellaneous issues related to the trial. 6:58 p.m. Recess.

Court Reporter Hilda Lopez
Deputy Clerk Liliana Figueroa

Start: 1:04 PM
Stop: 6:58 PM
Total: 5hrs 17min