

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.: 15-20522

Hon. Avern Cohn

MATTHEW KUPPE,

Defendant.

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**STIPULATION AND ORDER TO
ADJOURN DATES**

IT IS STIPULATED AND AGREED, by the above parties, through their respective counsel, that there is good cause to adjourn the pre-trial conference and trial in this matter by 60 days. The parties need additional time to review the evidence and engage in plea negotiations. The parties also stipulate and agree that the motion cut-off shall be extended to January 19, 2016, with responses due on February 9, 2016, and replies, if any, due on February 23, 2016.

IT IS FURTHER STIPULATED AND AGREED that the time period from January 25, 2016 to the new trial date shall be deemed excludable delay under the provisions of the Speedy Trial Act, 18 U.S.C. § 3161, in consideration of other proceedings concerning the defendant under Section 3161(h)(1), specifically, that the parties are actively engaged in plea negotiations, and Section 3161(h)(7)(A), that the ends of justice served by continuing the plea cut-off date and trial outweigh the best interests of the public and defendant in a speedy trial.

IT IS FURTHER STIPULATED AND AGREED that an ends of justice continuance is appropriate because the parties are actively engaged in plea

negotiations. A continuance of the plea cut-off date and trial is necessary to allow defense counsel and the government additional time for the facilitation of plea negotiations, which, under the Speedy Trial Act, are “other proceedings concerning the defendant,” 18 U.S.C. § 3161(h)(1); *see United States v. Dunbar*, 357 F.3d 582, 593 (6th Cir. 2004); *United States v. Bowers*, 834 F.2d 607, 609-610 (6th Cir. 1987). Furthermore, the ends of justice served by continuing the trial outweigh the best interests of the public and defendant in a speedy trial.

The parties stipulate and agree that the stipulation and any order resulting therefore shall not affect any previous order of pretrial detention or pretrial release. Accordingly, the parties request that under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(1) and (h)(7)(A), the period of delay, as a result of this continuance, shall be excluded in computing the time within which the trial must commence.

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Case No.: 15-20522

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MATTHEW KUPPE,

Defendant.

ORDER ADJOURNING DATES

This matter coming before the Court on the stipulation of the parties, it is hereby:

ORDERED that the deadline to file motions is extended to January 19, 2016, with responses due on February 9, 2016, and replies, if any, due on February 23, 2016;

ORDERED that good cause exists to adjourn the pre-trial conference and trial date in this matter by 60 days;

ORDERED that the new pre-trial conference date shall be March 7, 2016 at 2:00 p.m.;

ORDERED that the new trial date shall be April 4, 2016 at 9:00 a.m.;

ORDERED the time period from January 25, 2016 to April 4, 2016, shall be deemed excludable delay under the provisions of the Speedy Trial Act, 18 U.S.C. § 3161, in consideration of other proceedings concerning the defendant under Section 3161(h)(1), specifically, that the parties are engaged in plea negotiations. In addition, the ends of justice served by continuing the dates outweigh the best

interests of the public and defendants in a speedy trial.

ORDERED that the period from January 25, 2016 to **April 4, 2016**, shall be excluded from computing the time within which a trial must begin as “delay resulting from other proceedings concerning the defendant,” 18 U.S.C. § 3161(h)(1), and because the ends of justice served by this delay outweigh the best interest of the public and the defendant in a speedy trial, 18 U.S.C. § 3161(h)(7).

s/Avern Cohn

Honorable Avern Cohn

United States District Judge

Dated: December 31, 2015