

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

FEB 3 2006

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

v.

I. LEWIS LIBBY,

Defendant.

Criminal No. 05-394 (RBW)

**ORDER**

The parties appeared before the Court on February 3, 2006, for a status conference and scheduling hearing. In accordance with the discussions at this hearing, it is on this 3rd day of February, 2006, hereby **ORDERED** that

- (1) The government shall file an omnibus opposition to the defendant's Motion to Compel Discovery of Information Regarding News Reporters and Organizations and the defendant's Motion to Compel Discovery of Rule 16 and Brady Material in the Possession of Other Agencies by February 16, 2006. The defendant's reply shall be filed by February 21, 2006. This Court will hold a motions hearing to address these motions on February 24, 2006, at 2:30 p.m.
- (2) The defendant shall file his motion to dismiss the indictment by February 24, 2006. The government's opposition shall be filed by March 17, 2006, and the defendant shall file his reply by March 31, 2006.
- (3) The defendant shall file any additional motions to compel the production of documents by March 3, 2006. Any oppositions shall be filed by the government by March 20, 2006, and any reply by the defendant shall be filed by March 27, 2006.
- (4) The parties shall file motions in limine regarding any evidentiary issues they believe will be contested at trial. Such motions shall be filed by October 26, 2006, oppositions shall be filed by November 9, 2006, and replies shall be filed by November 15, 2006.<sup>1</sup>

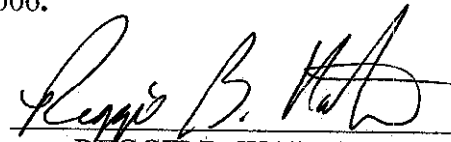
<sup>1</sup> The parties should note that the dates for motions in limine have been slightly altered from the dates that were discussed at the status conference.

- (5) Proposed voir dire questions and jury instructions shall be submitted to the Court by November 13, 2006. If submitting nonstandard jury instructions (instructions not contained in the Criminal Jury Instructions for the District of Columbia (4th ed. 2004)), the parties are directed to provide the Court with both the text of the proposed instructions and the legal authority in support thereof. The parties shall also provide chambers with their proposed voir dire questions and jury instructions on either a compact disk or a 3.5 inch, high density disk, formatted for IBM compatible computers, in Microsoft Word or WordPerfect.
- (6) Jury selection shall begin on January 8, 2007, with the trial commencing immediately thereafter. Based upon counsel's estimate that the trial of this matter will take approximately four weeks to complete, all parties shall clear their calendars during that time so that they will be available to the court throughout the duration of the trial.

Immediately following the status conference and scheduling hearing, this Court conducted an in camera pretrial conference pursuant to Section 2 of the Classified Information Procedures Act ("CIPA"). A nonclassified transcript of this proceeding will be made available for public viewing as soon as it becomes available. In accordance with the discussions at this Section 2 pretrial conference, it is hereby **ORDERED** that

- (1) Pursuant to Section 2 of the CIPA, a further in camera pretrial conference shall be held immediately following the February 24, 2006 motions hearing. A nonclassified transcript of this proceeding will be made available for public viewing as soon as it becomes available.
- (2) The government shall file a notice pursuant to Section 4 of the CIPA by March 1, 2006. If the defendant seeks to challenge the ex parte filing of that notice, such motion shall be filed by February 24, 2006.
- (3) The defendant shall file any additional notices pursuant to Section 5 of the CIPA by March 8, 2005. Such notices shall cover any document that has been produced by the government as of February 3, 2006.

**SO ORDERED** this 3rd day of February, 2006.

  
REGGIE B. WALTON  
United States District Judge