

FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

AUG - 1 2007

Michael N. Milby, Clerk of Court

UNITED STATES OF AMERICA

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v.

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C.R. NO. H-02-597

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DAVID BERMINGHAM

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GILES DARBY

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GARY MULGREW

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ORDER RESETTING TRIAL

On July 31, 2007, the Court conducted a conference with counsel for the United States and counsel for Defendants David Bermingham, Giles Darby, and Gary Mulgrew, on Defendants' Unopposed Request for the State and Federal District Courts to Resolve Conflict (Document No. 169).

The trial setting of October 22, 2007, was made after conferring with counsel for all parties and being told that all parties were available for trial on that date. Subsequently, counsel for Defendant Darby disclosed a preexisting conflict namely, a murder trial set for October 15, 2007, in the 178th Judicial District Court of Harris County, Texas, that is expected to require approximately one month before concluding near Thanksgiving Day. It is this conflict that the instant motion seeks to resolve.

The undersigned Judge has conferred with Judge Doug Shaver, who is specially assigned to try the State court case, and the

undersigned is persuaded to defer to the prior setting made in the case assigned to Judge Shaver.

After also conferring yesterday with all counsel in the instant case regarding alternatives next following the conclusion of the State court case and finding that January 7, 2008, is the earliest agreeable date for most parties and that the United States and all Defendants are available and ready to proceed on that date, it is

ORDERED that jury selection and trial in this case is RESET to January 7, 2008, at 9:00 a.m. A final pretrial conference is set as follows:

Date: December 7, 2007

Time: 11:00 a.m.

Courtroom 11D

U.S. Courthouse & Federal Building

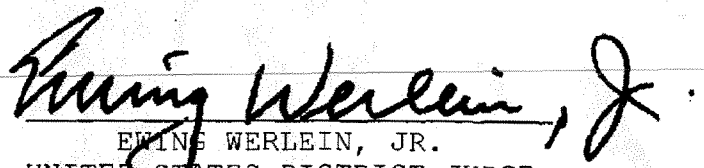
515 Rusk Avenue

Houston, Texas 77002

It is SO ORDERED.

The Clerk will enter this Order and provide a correct copy to all parties.

SIGNED at Houston, Texas, on this 13th day of August, 2007.


EWING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE