

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

UNITED STATES OF AMERICA,

v.

**(1) AGHORN OPERATING, INC.,
(2) TRENT DAY, (3) KODIAK
ROUSTABOUT, INC.**

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MO:22-CR-00049-DC

STATUS CONFERENCE ORDER

On June 13, 2024, the Court held a status conference to discuss the following motions: Defendants' Renewed Motion to Dismiss Count Two,¹ Aghorn Operating, Inc.'s Motion for Relief from Multiplicity and Request for Bill of Particulars on Count Four,² Defendants' Motion for Relief from Duplicity,³ Aghorn and Kodiak Roustabout's Motion for a Bill of Particulars,⁴ Aghorn's Motion to Exclude Evidence of Violating Civil, Regulatory, Or Industry Standards and Expert Testimony,⁵ Defendants' Motion to Strike Alternative Fine Allegation,⁶ and Defendants' Second Motion for Bill of Particulars.⁷ This order memorializes the following:

The Court requests additional briefing by July 12, with responses due July 26, on whether the Fifth Circuit's *Robin* test as applied requires a continuing scheme of short

¹ ECF No. 63.

² ECF No. 65.

³ ECF No. 66.

⁴ ECF No. 67.

⁵ ECF No. 79.

⁶ ECF No. 90.

⁷ ECF No. 91.

duration, *see United States v. Robin*, 693 F.2d 376 (5th Cir. 1982), along with any other additional briefing relevant to the June 13 hearing.

The Court also requests jury instructions tailored to the issues presented in the above motions.

At a later date, the Court will set a hearing on experts, should the need exist. The Court will make an exception by allowing experts to testify by Zoom at that hearing. Along a similar vein, the Court will later set a date certain for a four-to-six-week trial. The September 30, 2024 trial date is vacated.

It is so **ORDERED**.

SIGNED this 18th day of June, 2024.

A handwritten signature in black ink, appearing to read "David Counts", written over a horizontal line.

DAVID COUNTS
UNITED STATES DISTRICT JUDGE