

**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

FINAL AMENDED SCHEDULING ORDER

The Court now considers Defendants' joint unopposed motion for continuance.¹ After reviewing the status of this case and the entire record, the Court concludes that that ends of justice are best served by continuing these proceedings.² The Court therefore **ORDERS** that these deadlines be set:

- **Jury Selection and Trial.** Jury selection is set for **May 13, 2025**, at **8:30 a.m.** before the Honorable David Counts in the Midland U.S. District Courtroom located at 200 E. Wall Street, Midland, Texas 79701. All parties must be present and ready to proceed no later than **8:00 a.m.** A final pretrial conference may take place following jury selection. Trial will begin after a jury has been selected.
- **Final Pretrial Conference.** Judge Counts will conduct a final pretrial conference on **May 12, 2025**, at **9:00 a.m.** Defendants, defense counsel, and government counsel must personally be present. Any remaining pre-trial issues, including disputed motions that require an evidentiary hearing, will be heard at that time. All witnesses necessary for any such motion shall be present without exception.
- **Pretrial Conference.** Judge Counts will conduct a pretrial conference on **March 6, 2025**, at **9:00 a.m.** Defendants, defense counsel, and government counsel must personally be present. *Daubert* issues will be taken up at this hearing. Any remaining

¹ ECF No. 148.

² The Court underlines for the parties that this will be the last continuance or extension of deadlines it will grant without a greater showing.

disputed motions that require an evidentiary hearing may also be heard at that time. All witnesses necessary for any such motion shall be present without exception.

- **Motions in Limine Deadline.** Motions in limine are due on or before February 24, 2025. Objections, if any, are due on or before March 10, 2025.³
- **Plea Deadline.** Any plea agreement entered into by the parties shall be made known in writing to this Court on or before February 14, 2025.⁴ The Court will not honor any plea bargain or plea agreement thereafter without good cause for such delay.
- **Witness and Exhibit Lists Deadline.** The parties shall file witness and exhibit lists on or before February 10, 2025. Amendments thereafter may be filed only upon leave of Court.
- **Proposed Jury Questionnaire Deadline.** The parties shall file their proposed jury questionnaires with the Court on or before February 3, 2025. The Court will provide the parties with its draft jury questionnaire on or before March 27, 2025.
- **Docket Call.** Judge Counts will conduct a preliminary hearing on February 3, 2025, at 9:00 a.m. Defendants, defense counsel, and government counsel must personally be present. All disputed motions that require an evidentiary hearing will be heard at that time. All witnesses necessary for any such motion shall be present without exception.⁵
- **Proposed Jury Instructions Deadline.** The parties are to submit their full proposed jury instructions by January 10, 2025.
- **Counts Three, Four, and Five.** The Government is directed to elect which of these Counts it chooses to proceed on by December 11, 2024.
- **Trial Estimate Deadline.** The parties must notice the Court with updated estimates of trial duration by December 11, 2024.

³ This Order does not disturb the now-passed motions deadline or the extended response and reply deadlines granted by text order on November 21, 2024.

⁴ See Fed. R. Crim. P. 11(e)(5); *United States v. Ellis*, 547 F.2d 863 (5th Cir. 1977).

⁵ This Order cancels the December 11, 2024 Docket Call.

- **Expert Designations Deadline.** The parties should have designated expert witnesses on or before **October 1, 2024**, except for those referred to in the Court's text order issued on November 5, 2024.

It is so **ORDERED**.

SIGNED this 22nd day of November, 2024.

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

DAVID COUNTS
UNITED STATES DISTRICT JUDGE