

**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

AMENDED SCHEDULING ORDER

On this day, the Court *sua sponte* considered the above-captioned case. 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. This decision aligns with Court's prior Order (*See* Doc. 24), which found that the the ends of justice outweighed the interest of the public and the defendants, justifying a continuance. Thus, the Court **ORDERS** that these updated deadlines be set:

- **Jury Selection and Trial.** Jury selection is set for **April 1, 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 **March 31, 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

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.

- **Plea Deadline.** Any plea agreement entered into by the parties in this cause shall be made known in writing to this Court on or before **February 14, 2025**.¹ 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 questionnaire 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**.
- **Preliminary Hearing.** Judge Counts will conduct a preliminary hearing on **December 11, 2024**, 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.
- **Motions Deadline.** The parties shall file all motions, except for motions in limine, on or before **November 8, 2024**. Any party seeking to file a motion past the deadline may only do so upon leave of Court. Responses, if any, are due on or before **November 22, 2024**. Motions in limine are due on or before **February 24, 2025**. Objections, if any, are due on or before **March 10, 2025**.

¹ See Fed. R. Crim. P. 11(e)(5); *United States v. Ellis*, 547 F.2d 863 (5th Cir. 1977).

- **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 7th 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