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7 *Attorneys for Defendants Numbered 1 through 18*

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF ARIZONA

10 United States of America,)

11 Plaintiff,)

12 vs.)

- 13 1. Danny’s Management Services LLC;)
- 14 2. Danny’s Family Limited Partnership;)
- 15 3. Danny’s Family Carousel, Inc.;)
- 16 4. Danny’s Family Companies LLC;)
- 17 5. Danny’s Family Companies II LLC;)
- 18 6. Paradise Village Car Care Centre, Inc.;)
- 19 7. Twentieth & Highland LLC;)
- 20 8. Danny’s Scottsdale & TB LLC;)
- 21 9. National Car Care Development Corp.;)
- 22 10. 84th & Bell LLC;)
- 23 11. 3rd & Bell LLC;)
- 24 12. Danny’s Tatum LLC;)
- 25 13. 83rd & Union Hills LLC;)
- 26 14. Danny’s Happy Valley LLC;)
- 15. Danny’s Raintree & Northsight LLC;)
- 16. Danny’s Crossroads LLC;)
- 17. Danny’s San Tan LLC;)
- 18. Danny’s Tempe LLC;)
- 19. Juan Ruiz-Gonzalez;)
- 20. Atilano Carlos Vazquez-Escoreza;)
- 21. Henry Hernandez-Alonso;)
- 22. Jack Vincent Edlund;)
- 23. Oscar Aguilar-Gastelum;)
- 24. Daniel Flores-Arrellano;)
- 25. Antonio Jose Baca;)
- 26. Humberto Dominguez;)
- 27. Manuel De Jesus Aldaco;)
- 28. Miguel Mejia-Estrada;)
- 29. Martin Mejia-Estrada;)
- 30. Juan Zarate-Carreon;)
- 31. Apolinar Jimenez; and)
- 32. Joshua Justin Cortner,)

Defendants.)

Case No. CR-13-1143-PHX-NVW

**MOTION FOR COMPLEX CASE
DESIGNATION, TRIAL
CONTINUANCE AND EXTENSION
OF TIME TO FILE PRETRIAL
MOTIONS**

1 Defendants 1 through 18 (herein referred to as the “entity defendants”), through
2 undersigned counsel, moves this Court for an Order designating this case complex pursuant
3 to 18 U.S.C. § 3161(h)(7)(B)(ii) and Rule 16.2, Local Rules of Criminal Procedure, Rules of
4 Practice of the United States District Court for the District of Arizona. Pursuant to Rule
5 16.2, the Defendant requests the Court schedule a status conference within twenty-one days
6 so that the Court and counsel may address pretrial case management issues including
7 resetting the trial date and pre-trial motions deadline.
8

9
10 This Motion is based upon the Memorandum of Points and Authorities incorporated
11 below. It is anticipated that excludable delay may occur pursuant to 18 U.S.C. § 3161(h) as
12 a result of this Motion or from an Order based thereon.
13

14 **Memorandum of Points and Authorities**

15 **I. Procedural Background**

16 On August 14, 2013, the Government filed its seventy-eight count Indictment against
17 the entity defendants. The charges include conspiracy, pattern/practice of knowingly
18 employing unauthorized aliens, aggravated identity theft, identity theft, immigration
19 document fraud and false statements. Additionally, the Government seeks to forfeit thirteen
20 properties from the entity defendants.
21

22 The entity defendants were arraigned on August 28, 2013. The Court scheduled trial
23 on October 1, 2013. Pretrial motions are due September 18, 2013.
24
25
26

II. Discussion

Since the Arraignment, undersigned counsel and Government's counsel have conferred on the current trial schedule. Both undersigned counsel and the Government's counsel agree this case should be designated complex pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii) and Rule 16.2, Local Rules of Criminal Procedure, Rules of Practice of the United States District Court for the District of Arizona. The case is complex due to the number charges, the number of defendants, the volume of discovery, the number of witnesses, and the fact that many witnesses will need the assistance of a court interpreter during pre-trial investigation. The entity defendants have been charged with seventy-eight separate felony counts. The defendants will need a significant period of time to prepare a defense to these seventy-eight counts.

In addition to the entity defendants, the Government has charged fourteen individual co-defendants in this matter. The number of co-defendants suggests that it will require additional time for all defendants to be prepared for trial in this matter.

The Indictment refers to "942 unauthorized employees" of the entity defendants. These individuals are potential witnesses in this investigation. Additionally, these individuals may need the assistance of a court interpreter in order to communicate with defense counsel. The number of potential witnesses as well as the accompanying language barrier will likely result in the need for additional time to prepare for trial.

Lastly, defense counsel has been advised by the Government that its initial disclosure will amount to 44,638 pages of discovery, including 344 investigative reports. Additionally, the Government advised it collected a significant volume of documents in the investigation that it is still reviewing and processing. The Government anticipates disclosing these

1 documents, which will increase the volume of discovery to be reviewed and investigated by
2 defense counsel. The Government continues to interview a number of witnesses, which also
3 may result in additional disclosure.
4

5 Ultimately, all of these factors lead to the conclusion that the parties will require
6 substantially more time to prepare for trial. For these reasons, defense counsel moves the
7 Court to designate this case complex as it would be unreasonable to expect adequate trial
8 preparation under the normal speedy trial timelines.
9

10 **II. Conclusion**

11 For the reasons stated above, the Defendant requests the Court designate the case
12 complex, schedule a status conference within twenty-one days, continue the current October
13 1, 2013 trial setting to a date to be determined at the status conference and extend the pretrial
14 motions deadline to a date to be determined at the status conference.
15

16 DATED this 13th day of September, 2013.

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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

United States of America,)
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Plaintiff,)
vs.)
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2. Danny’s Family Limited Partnership;)
3. Danny’s Family Carousel, Inc.;)
4. Danny’s Family Companies LLC;)
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6. Paradise Village Car Care Centre, Inc.;)
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30. Juan Zarate-Carreon;)
31. Apolinar Jimenez; and)
32. Joshua Justin Cortner,)
Defendants.)

Case No. CR-13-1143-PHX-NVW
[PROPOSED] ORDER

Based upon Defendants 1 through 18’s (herein referred to as the “entity defendants”)

1 unopposed Motion for Complex Case Designation, Trial Continuance and Extension of
2 Time to File Pretrial Motions, and good cause appearing,

3
4 IT IS ORDERED granting the Defendant's motion;

5 IT IS FURTHER ORDERED setting a Status Conference for October ____, 2013;

6 IT IS FURTHER ORDERED continuing the current Jury Trial setting of October 1,
7 2013, to a date to be determined at the Status Conference;

8 IT IS FURTHER ORDERED extending the deadline to file pretrial motions to a date
9 to be determined at the Status Conference.
10

11 Excludable delay under 18 U.S.C. § 3161(h) _____ is found to commence on
12 _____ for a total of _____ days.
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14
15 DATED this ____ day of September ,2013.
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