

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA

v.

ABU AGILA MOHAMMAD MAS'UD  
KHEIR AL-MARIMI,

*Defendant.*

No. 22-cr-392 (DLF)

**PRETRIAL ORDER**

In order to administer the trial of the above-captioned criminal case in a manner that is fair and just to the parties and is consistent with the goal of completing the trial in this case in the most efficient manner, it is hereby ORDERED that counsel will comply with each of the following procedures and requirements.

1. Trial. Trial is scheduled to commence on **May 12, 2025, at 9:00 a.m.** in Courtroom 14. The following deadlines shall govern pretrial proceedings:

2. Discovery. The government shall make every reasonable effort to provide all materials required by Fed. R. Crim. P. 16 and this Court's standing order by **July 31, 2024**. If, after reasonable efforts, the government believes it will be unable to provide the materials by that date, it shall so notify the defense, and the parties shall meet and confer before notifying the Court. If the government receives discoverable materials after **July 31, 2024**, the government shall promptly tender those materials to the defense.

The Court is aware that it is entering this order 14 months before trial is scheduled to begin. The dates in this order may need to be modified. To the extent either party believes, after entry of this order, that it will be unable to meet one of the deadlines within, the parties are ordered to meet and confer and to propose a joint modification, if possible. If the parties are unable to reach agreement, they shall file a joint status report that reflects their respective positions.

3. The Parties shall file, no later than **May 1, 2024**, a proposed schedule for classified discovery and motions, which will be governed by the Classified Information Procedures Act, 18 U.S.C. App. 3 (CIPA).

4. The United States shall make its first notification to the defendant of its intention to introduce evidence governed by Fed. R. Evid. 404(b) by **August 21, 2024**.

5. The Parties shall file any motions to dismiss the indictment or counts therein, motions to suppress the defendant's statement, motions to challenge venue, or other dispositive motions, if any, by **September 4, 2024**; oppositions shall be filed by **September 25, 2024**; and replies shall be filed by **October 4, 2024**. The Court will schedule a hearing on the above motions as necessary.

6. Each party shall make expert disclosures to the opposing party pursuant to Fed. R. Crim. P. 16 for experts it reasonably expects it may seek to call in its case-in-chief by **October 2, 2024**. The parties will make reciprocal expert disclosures for any experts they may seek to call in response to those initial disclosure no later than **December 2, 2024**. By **January 15, 2025**, the government shall make any required expert disclosures pursuant to Fed. R. Crim. P. 16(a)(1)(G) to rebut experts noticed by the defendant between **October 2** and **December 2, 2024**.

7. The Parties shall file any remaining motions to suppress testimony or evidence, and any motions to exclude the testimony of experts noticed on or before **December 2, 2024**, if any, by **January 8, 2025**; oppositions shall be filed by **January 29, 2025**; and replies shall be filed by **February 7, 2025**. The Court will schedule a hearing on the above motions as necessary.

8. The United States shall notify the defendant of its intention to introduce any Fed. R. Evid. 404(b) evidence not previously identified by **February 26, 2025**.

9. The Defendant shall provide any notice required by Fed. Rs. Crim. P. 12.1 or 12.3 by **February 26, 2025**, and the Defendant shall provide any notice required by Fed. R. Crim. P. 12.2 by **December 17, 2024**.

10. The parties shall exchange their exhibits and preliminary witness list by no later than **March 12, 2025**. The exhibit list shall include any exhibit that each side anticipates it may introduce in its case-in-chief. The Parties need not list any exhibit that might be used only for purposes of impeachment.

11. Except as otherwise noted in this Pretrial Order, the Parties shall file any other pretrial motions, including motions in limine, and any motions to exclude the testimony of experts noticed after December 2, 2024, by **March 19, 2025**; oppositions shall be filed by **April 2, 2025**; and replies shall be filed by **April 9, 2025**.

10. By **April 16, 2025**, counsel shall file a Joint Pretrial Statement that contains the following:

a. A neutral statement of the case. The Parties shall include a neutral statement of the case for the court to read to prospective jurors.

b. Voir dire. The Court will determine at a later date whether it will use a jury questionnaire.

c. Proposed jury instructions. The Parties shall submit a list of all standard jury instructions from the “Red Book” (Criminal Jury Instructions for D.C. (Barbara A. Bergman ed., May 2016 ed.)) that they wish to include in the final instructions. On or before **March 19, 2025**, Parties shall provide the Court with a list of standard instructions and the full text of (1) any modified standard jury instruction(s), including any preliminary instructions, with the proposed modification(s) redlined, and (2) any nonstandard jury instruction which they wish to have the Court include. As to each nonstandard jury instruction, the sponsoring party should set legal authority for the proposed instruction, and the nonsponsoring party should state any objection to the instruction, including any proposed modifications.

d. Witnesses lists. The Parties shall identify the witnesses that each side anticipates it may introduce in its case-in-chief. Only upon leave of court and a showing of good cause will a party be permitted to withhold a witness’s identity.

e. List of witnesses for voir dire. The Parties shall identify the witnesses about whom the jury may hear. Only upon leave of court and a showing of good cause will a party be permitted to withhold a witness’s identity.

f. Exhibit list. The Parties shall exchange updated exhibit lists and shall exchange any new or amended exhibits. The parties shall exchange digital copies of premarked exhibits. The Parties must be prepared to raise objections to any proposed exhibit at a Pretrial Conference, which is tentatively scheduled for **April 23-24, 2025**, beginning at 10:00 a.m. both days. The objecting party shall provide the Court will three copies of any contested exhibit on **April 21**,

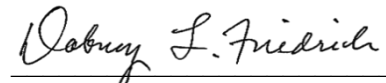
**2025.** In addition, seven days before trial, each Party shall provide the Court with two copies of its numbered exhibits in binders.

g. Stipulations. The Parties shall submit a draft of all stipulations.

h. Proposed verdict form. The Parties shall include a draft verdict form, including any special interrogatories.

11. Counsel shall appear on **April 23-24, 2025, at 10:00 a.m.** for a pretrial conference, including a hearing on the above motions, if necessary, and to address other pretrial issues, including objections to proposed voir dire questions, exhibits, jury instructions, and the verdict form.

12. After the Court has considered the parties' proposed jury instructions and ruled on any objections, the Parties shall submit to the Court, in Word format, an electronic copy of the final jury instructions. The Parties shall also submit verdict form by email to Chambers and to the courtroom deputy.

  
DABNEY L. FRIEDRICH  
United States District Judge

March 13, 2024