

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

ABU AGILA MOHAMMAD
MAS'UD KHEIR AL-MARIMI

Defendant.

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Case No. 22-cr-392 (DLF)

JOINT STATUS REPORT REGARDING PROPOSED PRETRIAL SCHEDULE

The United States of America, by and through its attorney, the United States Attorney for the District of Columbia, and the defendant, by and through undersigned Defense Counsel, hereby respectfully inform the Court as follows:

Since the June 5, 2025, status conference, the parties have discussed the path to trial in this complex case multiple times. As a result of those discussions, the parties ask that the Court sign the attached proposed order. The parties also believe that it would be helpful to inform the Court of some matters not covered in that order and to expand upon some of them, in light of the Court's comments at the June 5 status conference.

Rule 15 Depositions. As the government has previously informed the Court and counsel, it expects to move for at least three depositions pursuant to Fed. R. Crim. P. 15. ECF 112 at 2. In the event the Court grants those motions, the government expects to ask the Court to preside over them. Every court proceeding of course requires translation for the defendant, and the government expects that multiple potential deponents will require translations as well. All three potential depositions have the potential to take place outside the United States. Each such deposition may take up to a week, sitting for partial days. Government counsel expects to request these three

depositions take place during the fall and early winter of 2025. The parties acknowledge that there are several outstanding steps that must be completed before scheduling any such depositions. As a result, while the parties are hopeful that the depositions can be scheduled during that time, they cannot be scheduled now.

Status Conference. At the June 5, 2025, status conference, the Court directed the parties to include a proposed next court date. The parties suggest that the Court set either a status conference or motions hearing, as needed, following receipt of the briefing on the motions due in July in the attached proposed schedule.

Classified Information Procedures Act. The government has proposed two additional dates for additional filings pursuant to Section 4 of the Classified Information Procedures Act. The government has also recently submitted updated prudential search requests, and it expects to make additional filings based on those requests, as well as others. The government is currently consulting with agencies that may be affected by those additional filings, and it expects to file proposed dates for those filings in September. The government is hopeful that the filing dates for any additional CIPA Section 4 motions will be in the fall.

Additional Deadlines. The parties crafted the proposed order with the Court's comments at the June 5 status conference in mind, which directed the parties to think about the big picture items, and to fill in additional details later. *See* 6/5/2025 Hr'g Tr. at 19. One of those big-picture items is an early motion *in limine*, which the proposed schedule sets for briefing in September. The parties expect that the Court's ruling on that motion will inform both what other litigation may be needed, as well as the timing of that litigation. The rulings may additionally impact the parties' witness and exhibit lists and the timing for the exchange of those materials, as well as what additional motions may be necessary. The parties also expect to file additional motions *in limine*

closer to trial. The parties have thus suggested setting a date in November for proposing additional litigation, allowing the Court enough time to rule on the early motion *in limine*.

Respectfully submitted,

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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 is scheduled to commence on **April 20, 2026, at 9:00 a.m.** in Courtroom 24A. The following deadlines shall govern pretrial proceedings.

2. The Court is aware that it is entering this order approximately 10 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. By July 17, 2025, the government shall file any motion regarding discovery of materials as it relates to the defendant's anticipated motion to suppress statement(s). The defendant

shall file his opposition thereto no later than July 31, 2025, and the government shall file any reply no later than July August 7, 2025.

4. The parties shall file any initial motions to conduct depositions pursuant to Fed. R. Crim. P. 15 no later than July 17, 2025. Any oppositions to those motions shall be filed no later than July 31, 2025, and any replies shall be filed no later than August 7, 2025.

5. No later than September 4, 2025, the defendant shall file any motions to suppress statement(s). The government shall file its opposition thereto no later than September 18, 2025, and the defendant shall file any reply no later than September 25, 2025.

6. No later than September 4, 2025, the parties shall file any motions in limine on major questions of admissibility, the resolution of which would materially affect the parties' preparations for trial.¹ These may include motions to admit evidence under Fed. R. Evid. 404(b), motions to authenticate exhibits, and motions to admit documents under exceptions to the rule against hearsay. If either party includes in their motion a request to introduce records pursuant to 18 U.S.C. § 3505, such a motion shall constitute notice as defined in that statute. Oppositions shall be filed no later than September 18, 2025, and any replies shall be filed by no later than three September 25, 2025.

7. As of the date of this order, the government has filed four motions pursuant to Section 4 of the Classified Information Procedures Act (CIPA). The government shall file an additional CIPA Section 4 motion no later than November 20, 2025. The government shall file another additional CIPA Section 4 motion no later than February 26, 2026.

8. No later than September 16, 2025, the government shall file a proposed schedule for any additional CIPA Section 4 motions not covered in paragraph 7 of this Order.

¹ The parties will have an opportunity to file additional motions *in limine* closer to trial.

9. No later than October 3, 2025, the defense shall file any motions related to the expert testimony of Allen Feraday. The government shall file its opposition thereto no later than October 17, 2025. The defendant shall file any reply no later than October 24, 2025.

10. 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 8, 2025. The parties will make reciprocal expert disclosures for any experts they may seek to call in response to those initial disclosures no later than December 10, 2025. By January 22, 2026, 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 8 and December 10, 2025.

11. The Defendant shall provide any notice required by Fed. R. Crim. P. 12.1, 12.2, or 12.3 by November 5, 2025.

12. No later than November 13, 2025, the parties shall file an additional proposed scheduling order for any remaining litigation and a proposed pretrial conference date.

13. The Parties shall file any motions to dismiss the indictment or counts therein, motions to challenge venue, or other dispositive motions, if any, by December 18, 2025; oppositions shall be filed by January 8, 2026; and replies shall be filed by January 15, 2026.

DABNEY L. FRIEDRICH
United States District Judge