

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

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U.S. DISTRICT COURT
N.D. OF ALABAMA

UNITED STATES OF AMERICA,)
)
v.) **CR-03-BE-0530-S**
)
RICHARD M. SCRUSHY,)
Defendant.)

Motion to Extend Rule 16 Discovery Dates

Comes now the United States, by and through the United States Attorney for the Northern District of Alabama, and moves the court to extend the time to provide certain electronic digital media and certain video and audio tapes pursuant to Rule 16(a)(1)(E), of the *Federal Rules of Criminal Procedure*. This motion is made for the following reasons:

1. The Court's order of December 30, 2003, directed that materials requested pursuant to Rule 16 be provided by January 23, 2004.
2. Over 95% of the requested material has been provided.
3. Personnel responsible for copying the electronic digital media and video and audio tapes were recently pulled off to address pressing terrorism matters, and did not finish copying approximately 20 video tapes (such as tapes of management meetings and awards ceremonies), 14 audio cassettes, and numerous electronic disks. They have reported that they should be able to finish the copying by Monday, February 2, 2003.

WHEREFORE, the United States MOVES the court to extend the date for providing materials pursuant to Rule 16(a)(1)(E) to Monday, February 6, 2003. Defendant's counsel has been advised of this motion and has stated that he does not oppose it. Counsel has requested in light of this motion that the reciprocal discovery date for the defendant be moved back to February 23, 2003. The United States has no objection to this and so MOVES. The Court and the defendant are also advised that the United States has continued to receive, and will

continue to receive, materials which are being and will be processed, that is, inventoried, bates stamped, copied, etc. These materials will be provided as processed according to the Court's order.

Respectfully submitted, this the 23rd day of January, 2004.

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Certificate of Service

The United States certifies that a copy of the aforesaid has been served by mailing the same by First Class United States Mail, this date, to the defendant's attorneys of record:

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