

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	CRIMINAL ACTION
)	
v.)	No. 07-10234-01, 02
)	
STEPHEN J. SCHNEIDER and LINDA K.)	
SCHNEIDER, a/k/a LINDA ATTERBURY,)	
d/b/a SCHNEIDER MEDICAL CLINIC,)	
)	
Defendant.)	
_____)	

MEMORANDUM AND ORDER

Before the court are the following:

1. Government's motion for determination of conflict (Doc. 162);
2. Defendant Linda Schneider, a/k/a Linda Atterbury's response (Doc. 166);
3. Government's reply (Doc. 168).

The government's motion to disqualify attorney Gorokhov is denied. If the government believes attorney Gorokhov has violated any of the rules of professional conduct, it can make its concerns known to the jurisdiction or jurisdictions where attorney Gorokhov is licensed to practice law. The court expresses no opinion on the matter.

The admissibility at trial of attorney Gorokhov's statements is taken under advisement, subject to being revisited prior to trial. The court notes that defendant did not respond to the government's position, ". . . consciously choosing to ignore the government's many legal cites simply because case law is unnecessary given the plain and clear meanings of the words at issue." Defendants' counsel might want

to reconsider such a course of action.

Finally, while the court has denied the government's motion for a "gag" order, it nevertheless is aware of counsels' statements to the news media and therefore reemphasizes its admonition that this case will be tried in the courtroom, not in the media. The simplest way for the parties to avoid potential problems such as those encountered in the present motion is to decline to speak about the case.

IT IS SO ORDERED.

Dated this 14th day of August 2008, at Wichita, Kansas.

s/ Monti Belot

Monti L. Belot

UNITED STATES DISTRICT JUDGE