

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 10-40089-01/02-RDR

DOUGLAS R. SILBERMAN and
MICHELE KING,

Defendants.

O R D E R

This matter is presently before the court upon defendants' joint motion to extend motions deadline. The defendants seek a 45-day extension of the period to file pretrial motions, which is presently set at July 26, 2011, due to the health problems of counsel for defendant Silberman. The defendants note that the government does not object to this motion.

The court is concerned by the delay in this case. This is the fourth continuance sought by the defendants. The others have been required due to the health problems of defendant Silberman. This is the first one denoting health problems of Lawrence J. Semenza, the attorney for defendant Silberman. The motion notes that Mr. Semenza has back and leg pain and has had an MRI performed to determine the reason for his pain. The defendants suggest that Mr. Semenza's health problems have prevented him from diligently researching and preparing pretrial motions. The motion fails to indicate when Mr. Semenza may be able to continue with his duties

in this case.

Given the past delays in this case, the court is unable to grant the request made by the defendants. A considerable period of time has elapsed since the indictment in this case. During that period, the defendants had ample time to research and prepare the pretrial motions. The court notes that defendant Silberman has local counsel who is a very experienced criminal defense attorney and he could produce the necessary motions as he has done in many other cases before this court. In light of the health problems of Mr. Semenza, the court does believe that a limited extension is necessary. However, the court shall provide only a short continuance of the pretrial motions filing deadline. The court will allow the defendants until August 8, 2011 to file pretrial motions. The government's response is due on August 18, 2011. The hearing on the motions is scheduled for September 2, 2011 at 9:30 a.m. The court finds that the period of delay resulting from the additional time granted shall be excludable time as provided in 18 U.S.C. § 3161(h)(7) because the ends of justice served by the granting of this motion outweigh the best interest of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED that defendants' joint motion to extend motions deadline (Doc. # 20) be hereby granted in part and denied in part. The defendants shall have until August 8, 2011 in which to file pretrial motions. The government shall have until

August 18, 2011 in which to file responses. The hearing on pretrial motions shall be held on September 2, 2011 at 9:30 a.m. The period of delay resulting from this extension shall be excludable under 18 U.S.C. § 3161(h)(7).

IT IS SO ORDERED.

Dated this 27th day of July, 2011 at Topeka, Kansas.

s/Richard D. Rogers
United States District Judge