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SUPERIOR COURT OF  
IN THE SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA  
CRIMINAL DIVISION

2009-2 A 10: 26

UNITED STATES,

v.

DYLAN M. WARD,  
JOSEPH R. PRICE,  
and  
VICTOR J. ZABORSKY,

Defendants.

Criminal No. 08-CF1-26996  
Criminal No. 08-CF1-27068  
Criminal No. 08-CF1-26997

Judge Frederick H. Weisberg

**DEFENDANTS' MOTION FOR SCHEDULING ORDER**

The Defendants in this matter, Dylan M. Ward, Joseph R. Price, and Victor J. Zaborsky, through undersigned counsel, respectfully request this Court to enter the following scheduling order in this matter. The Defendants have discussed their proposed schedule with the Government, but the parties cannot agree. We propose discovery deadlines in December 2009 and January 2010 and a motions schedule for February and March 2010. The Government, in contrast, has offered dates for the completion of discovery and filing of motions in March and April of 2010. Given the complexities and novel issues of this case, and the extraordinary amount of forensic evidence at issue in the case, the dates proposed by the Government are far too close to the trial date to permit the Defendants to adequately prepare for trial and file appropriate motions that are likely to have a significant impact on what evidence will be presented at trial.

This is particularly true with regard to uncharged/other crimes evidence which the Government contends it will not produce until March 26, 2010, barely a month before trial. This is practically and legally unacceptable in a case in which the government has



repeatedly and quite publicly accused—but not charged—Defendants with drugging, sexually assaulting and torturing Mr. Robert Wone. Motions related to these uncharged claims will, alone, necessitate briefing and a hearing well in advance of the start of trial in order that the Defendants finally know what they must defend against and then have adequate time to prepare their defense.

We also note that the Government again seeks to delay its deadlines for completing discovery and providing expert notifications<sup>1</sup> despite the fact that the Government has had well over three years to investigate this matter and more than a year since the indictment was issued. The Defendants have been requesting this information since the time of the indictment and are entitled to have it far enough in advance of trial to provide an adequate opportunity to investigate and defend against the Government's forensic evidence. The dates proposed by the Government simply don't allow enough time for the Defendants to be able to do so.

For these reasons, the Defendants have unilaterally submitted the following proposed scheduling order to the Court.

**Other Crimes Evidence**

Government identifies all "other crimes evidence" on or before December 31, 2009;

Defense Opposition to "other crimes evidence" on or before January 30, 2010;

Hearing on Other Crimes Evidence on or before March 1, 2010.

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<sup>1</sup> The Government's inexplicable delay is particularly confounding in light of counsel for the Government's statement to this Court on May 22, 2009 that the Government was prepared to go to trial in November 2009. H'rg Tr. 19:20-23 (May 22, 2009).

**Discovery Deadlines**

Government Rule 16(b) expert witness disclosure on or before December 31, 2009;

Deadline for all Government's forensic testing on or before December 31, 2009;

Complete Discovery on or before January 30, 2010.

**Substantive Motions**

Motions due on or before February 1, 2010;

Oppositions due on or before February 15, 2010;

Replies due on or before February 22, 2010.

**Motions in Limine**

Motions *in Limine* due on or before March 1, 2010

Oppositions due on or before March 15, 2010;

Replies due on or before March 22, 2010.

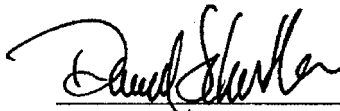
**Motions Hearing**

Motions Hearing on or before April 9, 2010.

**CONCLUSION**

For all the reasons set forth above and in the interest of justice and judicial economy, the Defendants respectfully request that this Court enter a scheduling order as set forth above.

Respectfully Submitted,



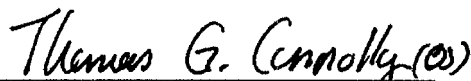
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*Counsel for Defendant Victor J. Zaborsky*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Defendants' Joint Motion for Special Assignment was served by hand, this 1<sup>st</sup> day of December, 2009, upon:

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\_\_\_\_\_  
Veronica Jennings

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UNITED STATES,

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DYLAN M. WARD,  
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Criminal No. 08-CF1-26997

Judge Frederick H. Weisberg

**PROPOSED SCHEDULING ORDER**

Upon consideration of Defendants' Motion for Scheduling Order, it is hereby **ORDERED** that said Motion is **GRANTED**.

It is further **ORDERED** that the Court will issue the following Scheduling Order as set forth below.

**Other Crimes Evidence**

Government identifies all "other crimes evidence" on or before December 31, 2009;

Defense Opposition to "other crimes evidence" on or before January 30, 2010;

Hearing on Other Crimes Evidence on or before March 1, 2010.

**Discovery Deadlines**

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Replies due on or before March 22, 2010.

**Motions Hearing**

Motions Hearing on or before April 9, 2010.

**SO ORDERED.**

Date: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Frederick H. Weisberg

Copies to:

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