

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

UNITED STATES OF AMERICA

VS.

CASE NO: 6:17-cr-18-Orl-40KRS

NOOR ZAHI SALMAN

ORDER SETTING INITIAL CONFERENCE

It appearing that the above styled case may benefit from an initial scheduling conference, the parties are ordered to appear for a conference with the undersigned on a date to be established by this Court.

I. RESPONSIBILITY OF THE PARTIES

The parties are directed to become acquainted with the Criminal Scheduling Order issued by Magistrate Judge Spaulding and the Local Rules of this Court.¹ Furthermore, lead counsel for the United States and for the Defendant shall confer in advance of the conference to discuss a preliminary plan for disclosure of discovery materials identified in the Criminal Scheduling Order.

Lead counsel for each party shall attend the scheduling conference prepared to identify and discuss anticipated discovery challenges and controversies, including motions which may require the Court's prompt attention. The deadline for filing motions is established in the Criminal Scheduling Order and will be modified only upon a showing of good cause and the exercise of due diligence by the moving party.

¹For example, Local Rule 1.09 (Filing Under Seal); Local Rule 3.01 (Motions, Briefs, and Hearings). The parties are advised that every subpart of Rule 3.01 applies in criminal cases, notwithstanding the reference to civil proceedings. See, Local Rule 1.01(a).

II. THE AGENDA

A. The Discovery Plan

The Court shall discuss with the parties their plan for discharging their respective discovery obligations as established in the Criminal Scheduling Order, including the exchange of electronically stored information (ESI). The parties are cautioned that while modification to the deadlines set forth in Section I of the Criminal Scheduling Order may be extended or modified by agreement of the parties; they must seek Court approval of any extension which may affect the trial of this matter including the resolution of pretrial motions. If the parties are presently aware of impediments to compliance with the deadlines established in the Criminal Scheduling Order, such impediments shall be brought to the Court's attention at the scheduling conference.

B. Expert Testimony

To the extent a party may offer expert opinion testimony, the Court will establish a deadline for *Daubert* motions and, if necessary, evidentiary hearings. The parties should be prepared to agree upon such dates at the scheduling conference.² Expert reports must provide a written summary that describes the expert witness's opinions, the bases and reasons for those opinions, including "not only written and oral reports, tests, reports, and investigations, but any information that might be recognized as a legitimate basis for an opinion ..." *United States v. Holland*, 223 F. App'x 891, 894 (11th Cir. 2007). All challenges to expert testimony, including motions to strike an expert's report, shall be decided by the undersigned.

² The Court requires all *Daubert* challenges to be fully briefed at least three (3) months prior to the start of trial. This allows the Court sufficient time to hold an evidentiary hearing, if necessary.

III. Miscellaneous

The parties shall be prepared to discuss the need for protective orders and/or confidentiality agreements relating to discovery produced by either party, including as relates to the Classified Information Procedures Act (18 U.S.C. § 3). The Court shall be advised if either party anticipates deposing a witness to preserve the witness's testimony for trial, pursuant to Fed. R. Crim. P. 15. Finally, the Court will discuss with the parties the anticipated trial date for this cause, including a realistic estimate of the length of trial.

DONE AND ORDERED in Orlando, Florida on April 10, 2017.



PAUL G. BYRON
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties