

1 the make and model of the video camera, as well as the video camera's
2 technical abilities as would be testified to by an FBI agent, should
3 be disclosed to the Court. The Court finds this proposed briefing is
4 necessary. To accommodate the proposed briefing, the Court strikes
5 the current March 3, 2014 trial date. The period of delay caused by
6 this briefing and the time necessary for the Court to dispose of the
7 suppression motion is excluded under the Speedy Trial Act. 18 U.S.C.
8 § 3161(h)(1)(D).

9 Accordingly, **IT IS HEREBY ORDERED:**

10 1. Defendant's Motion to Suppress Evidence from Continuous
11 Video Surveillance Pole Cam, **ECF No. 47**, is **HELD IN**
12 **ABEYANCE**.

13 2. The USAO's supplemental brief shall be filed no later than
14 **February 21, 2014**. Defendant and the Electronic Frontier
15 Foundation may both file a response; these responses shall
16 be filed no later than **seven days** after the USAO's
17 supplemental brief. The USAO's reply shall be filed **seven**
18 **days** after the date of the last responsive filing.

19 3. All upcoming dates and deadlines set forth in the October
20 18, 2013 Case Management Order are **STRIKEN**. A case
21 management order will be entered following the anticipated
22 briefing.

23 4. Pursuant to 18 U.S.C. § 3161(h)(1)(D), the Court **DECLARES**
24 **EXCLUDABLE from Speedy Trial Act calculations** the period

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1 from **February 11, 2014**, to the **date the pending suppression**
2 **motion**, ECF No. 47, **is resolved**.

3 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this
4 Order and provide copies to counsel (including counsel for the
5 Electronic Frontier Foundation), the U.S. Probation Office, and the
6 U.S. Marshal's Office.

7 **DATED** this 11th day of February 2014.

8
9 s/ Edward F. Shea
EDWARD F. SHEA
10 Senior United States District Judge
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