

The Honorable Robert S. Lasnik

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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.

PAIGE A. THOMPSON,
Defendant.

NO. CR19-159RSL

**STIPULATED MOTION TO CONTINUE
TRIAL DATE AND PRETRIAL
MOTIONS DEADLINE**

Noting date: June 4, 2020

Defendant, Paige A. Thompson, and the United States of America, by and through their respective counsel, hereby file this *stipulated* motion for a continuance of the trial date and the pretrial motions deadline.

Trial in this matter currently is scheduled for October 19, 2020. Pretrial motions are due no later than August 24, 2020. For the reasons stated below, the parties jointly request a continuance of the trial date until February 8, 2021. The parties likewise request that the pretrial motions deadline be extended to November 20, 2020. A proposed order prepared and presented by the parties is attached.

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I. DISCUSSION

The parties stipulate and agree as follows:

1. This case stems from an investigation into alleged computer hacking activity. As set forth in the files on record, incorporated herein, Thompson is charged with breaching the computers of multiple entities, including a federally-insured financial institution.

2. On July 29, 2019, federal authorities conducted a search of Thompson's residence, located in Seattle, Washington. Various items, including computers and electronic devices, were seized. The same day, Thompson made her initial appearance in federal court and was charged by Complaint.

3. On August 28, 2019, a grand jury returned a two-count Indictment charging Thompson with wire fraud, in violation of 18 U.S.C. § 1343, and computer fraud and abuse, in violation of 18 U.S.C. 1030(a)(2)(A) and (C), and (c)(2)(A) and (B).

4. Trial currently is scheduled for October 19, 2020. Although Thompson initially was ordered detained, following an order of this Court, Thompson has been released on a pretrial bond.

5. The parties, by and through counsel, stipulate to and jointly request a continuance of the trial date and motions deadline as set forth herein. For multiple reasons, including, but not limited to, the nature of the charges and prosecution, the potential consequences, the possible questions of law and fact, the size, scope, and technical nature of discovery, and the unusual complexity of the case, this continuance and extension of the pretrial motions deadline are necessary and warranted.

6. This case involves an immense amount of electronic discovery. The government has produced a significant amount of electronic data, estimated to approach 20 terabytes, including material obtained from online service providers, investigative reports, and images of several computers and electronic devices recovered from Thompson's residence. The government's investigation is continuing, and the government is continuing to generate and produce additional discovery.

1 7. The discovery includes sensitive material. For instance, the electronic data
2 contains malware, as well as a large amount of protected information of alleged victims,
3 including personally identifiable information (PII) of individuals, and internal and
4 proprietary company records and information. As a result, at the parties' request, the
5 Court entered a Protective Order, dated October 30, 2019. Accordingly, the review and
6 processing of discovery have required, and continue to require, additional time to comply
7 with the handling and storage of such protected material.

8 8. Undersigned defense counsel requires additional time to review the
9 evidence, including with Thompson, to conduct follow-up investigation, and to retain and
10 consult with experts, in order effectively to represent Thompson.

11 9. Since February of this year, Seattle, Washington, and the entire country
12 have experienced a pandemic that has resulted in the closure of large parts of society.
13 The pandemic has resulted in Chief Judge Martinez of this Court issuing a series of
14 General Orders that have essentially closed the Court, and continued all proceedings
15 beginning March 9, 2020, and continuing until at least August 3, 2020. This pandemic
16 has interfered substantially with the parties' ability to investigate the case, and to prepare
17 for trial.

18 10. This case involves serious allegations and charges, set forth above. The
19 maximum penalties for wire fraud includes a term of imprisonment of up to 20 years.
20 The government has indicated that, once grand jury proceedings resume, it expects to add
21 additional charges in this case, as forensic investigation continues and additional entities
22 it believes are victims are identified.

23 11. A trial in this case likely would span multiple weeks and include testimony
24 from many fact and expert witnesses and hundreds of exhibits. The government
25 anticipates that its evidence would include testimony from representatives of numerous
26 companies alleged to be victims, including some from overseas, and expert testimony
27 regarding multiple topics, including forensic analyses of computers and other electronic
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1 | evidence, and malware and computer scripts, among other things. The defense likewise
2 | may present similar evidence at a trial.

3 | 12. Given the circumstances, including the charges, the complexity of the case,
4 | the technical nature and size of discovery, the foreseeable trial evidence, and the potential
5 | consequences of conviction, a continuance is warranted and necessary in this case.

6 | 13. Undersigned counsel respectfully request a new trial date of February 8,
7 | 2021 (a date on which the parties understand the Court is available). The parties further
8 | request a continuance of the pretrial motions deadline to November 20, 2020.

9 | 14. Undersigned defense counsel have discussed with their client the proposed
10 | continuance and her rights under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.* The
11 | defendant agrees with this course and has executed a waiver through the proposed trial
12 | date.

13 | 15. The parties agree that (a) the failure to grant a continuance in this case will
14 | deny defense counsel reasonable time necessary for effective preparation for trial and
15 | other pretrial proceedings, taking into account the exercise of due diligence; (b) the ends
16 | of justice served by granting this continuance outweigh the interest of the public and the
17 | defendant in a speedy trial; and, (c) that failure to grant a continuance in this proceeding
18 | could create a risk of a miscarriage of justice; all within the meaning of 18 U.S.C.
19 | § 3161(h)(7).

20 | II. CONCLUSION

21 | For the above stated reasons, the parties respectfully request that the Court find
22 | that the ends of justice served by continuing the trial date outweigh the best interests of
23 | the public and the defendant in a more speedy trial.

24 | It is further requested that the Court find, for the purpose of computing the time
25 | limitations imposed by the Speedy Trial Act, that the period of delay from the date of the
26 | filing of this motion until the new trial date is excludable pursuant to 18 U.S.C.
27 | § 3161(h)(7)(A) and (h)(7)(B)(i),(ii), and (iv).

28 | Therefore, the parties ask that the trial date be continued until February 8, 2021.

1 The parties further ask that the deadline to file pretrial motions be reset to
2 November 20, 2020, and that any pretrial motions be noted for consideration on the
3 fourth Friday thereafter, with responses due December 11, 2020, and replies due
4 December 18, 2020.

5 DATED: this 4th day of June, 2020.

6 Respectfully submitted,

7 BRIAN T. MORAN
8 United States Attorney

9 /s/ Andrew C. Friedman
10 ANDREW C. FRIEDMAN
11 STEVEN T. MASADA
12 Assistant United States Attorneys
United States Attorney's Office

13 /s/ (by email authorization)
14 MOHAMMAD ALI HAMOUDI
15 CHRISTOPHER SANDERS
16 NANCY TENNEY
Assistant Federal Public Defenders

17 BRIAN KLEIN
18 MELISSA MEISTER
19 Baker Marquart LLP
20 Attorneys for Paige A. Thompson

CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the attorneys of record for the defendant.

/s/ Salee Porter
SALEE PORTER
Paralegal
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
Phone: (206) 553-7970

Honorable Robert S. Lasnik

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AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAIGE A. THOMPSON,

Defendant.

NO. CR19-159RSL

**[PROPOSED]
ORDER CONTINUING
TRIAL DATE AND
PRETRIAL MOTIONS DEADLINE**

THE COURT, having considered the Stipulated Motion to Continue Trial Date and Pretrial Motions Deadline, and all the files and records herein, finds as follows:

1. The facts and circumstances are as set forth in the Stipulated Motion to Continue Trial Date and Pretrial Motions Deadline;
2. The case is complex due to such factors as the volume of discovery and the complexity of the legal and factual issues involved;
3. Failure to grant a continuance in this case would deny counsel the reasonable time necessary for effective preparation of trial and other pretrial proceedings, taking into account the exercise of due diligence;
4. For these reasons, failure to grant a continuance could result in a miscarriage of justice;

1 5. The ends of justice served by granting this continuance outweigh the best
2 interest of the public and the defendant in a more speedy trial; and

3 6. All these findings are made within the meaning of 18 U.S.C.
4 § 3161(h)(7)(A) and (B)(i),(ii) and (iv).

5 IT IS THEREFORE ORDERED that:

6 1. The trial in this matter is continued to February 8, 2021, at 9:00 a.m.;

7 2. Pre-trial motions are due no later than November 20, 2020, and any pretrial
8 motion shall be noted for consideration no earlier than the fourth Friday after the filing
9 date;

10 3. Responses to any pre-trial motions are due on December 11, 2020 (or
11 twenty-one (21) days after filing of any motion filed prior to November 20, 2020), and
12 any replies thereto are due on December 18, 2020 (or seven (7) days after filing of any
13 response filed prior to prior to December 11, 2020);

14 4. The defendant shall immediately file with the Court a waiver of rights
15 under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, through the aforementioned trial
16 date, consistent with this Order; and

17 5. The period of time from the filing date of the Stipulated Motion to
18 Continue Trial Date and Pretrial Motions Deadline until the new trial date, set forth
19 below, shall be excludable time pursuant to the Speedy Trial Act, 18 U.S.C.
20 § 3161(h)(7)(A).

21 DATED: this _____ day of June, 2020.

22
23 _____
24 HON. ROBERT S. LASNIK
25 U.S. District Court Judge

26 Presented by:

27 /s/ Andrew C. Frieman
28 ANDREW C. FRIEDMAN
STEVEN T. MASADA
Assistant United States Attorneys