

1 STEPHANIE M. HINDS (CABN 154284)
Acting United States Attorney

2 HALLIE HOFFMAN (CABN 210020)
3 Chief, Criminal Division

4 JEFF SCHENK (CABN 234355)
JOHN C. BOSTIC (CABN 264367)
5 ROBERT S. LEACH (CABN 196191)
KELLY I. VOLKAR (CABN 301377)
6 Assistant United States Attorneys

7 150 Almaden Boulevard, Suite 900
San Jose, California 95113
8 Telephone: (408) 535-5061
9 Fax: (408) 535-5066
Email: Robert.Leach@usdoj.gov

10 Attorneys for United States of America

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

| | | |
|------------------------------|---|---|
| 14 UNITED STATES OF AMERICA, |) | Case No. 18-CR-00258 EJD |
| |) | |
| 15 Plaintiff, |) | STIPULATION AND PROPOSED ORDER |
| |) | CONTINUING TRIAL DATE AND EXCLUDING |
| 16 v. |) | TIME FROM THE SPEEDY TRIAL ACT |
| |) | |
| 17 RAMESH BALWANI, |) | |
| |) | |
| 18 Defendant. |) | |
| |) | |
| 19 _____ |) | |

20 **STIPULATION**

21 1. This matter is currently set for trial on January 11, 2022.

22 2. Since August 31, 2021, trial against the co-defendant, Elizabeth Holmes, has been
23 proceeding. The trial was initially scheduled to conclude no later than the first or second week of
24 December 2021. Closing arguments are currently scheduled for December 16 and 17, 2021. It is
25 unknown how long jury deliberations may last.

26 3. On December 8, 2021, the Court, through its Courtroom Deputy Clerk, indicated it
27 intended to continue the trial to February 15, 2022, and invited the parties to submit a stipulation or
28 schedule a hearing to discuss the matter.

1 4. The parties stipulate and agree that, in light of the length of the *Holmes* trial, the need to
2 review discovery generated during the *Holmes* trial, the need for both parties to assess any verdict in the
3 *Holmes* trial, the need for resolution of pretrial motions, and other factors, an exclusion of time under the
4 Speedy Trial Act is appropriate.

5 5. The parties stipulate and agree, and respectfully request that the Court order, that
6 excluding time from January 11, 2022, to February 15, 2022, will allow for the effective preparation of
7 counsel given the complexity of the case and continuity of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(ii) &
8 (iv). The parties further stipulate and agree, and respectfully request that the Court order, that the ends
9 of justice served by excluding the time from January 11, 2022, to February 15, 2022, from computation
10 under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial.
11 18 U.S.C. § 3161(h)(7)(A), (B)(ii) & (iv). The parties stipulate and agree the Court shall enter the
12 proposed order below.

13 **IT IS SO STIPULATED.**

14 DATED: December 9, 2021

Respectfully submitted,
ORRICK, HERRINGTON & SUTCLIFFE LLP
/s/ Jeffrey B. Coopersmith
JEFFREY B. COOPERSMITH
Attorney for Defendant
RAMESH “SUNNY” BALWANI

19 DATED: December 9, 2021

Respectfully submitted,
STEPHANIE M. HINDS
Acting United States Attorney
/s/ Robert S. Leach
ROBERT S. LEACH
JEFF SCHENK
JOHN C. BOSTIC
KELLY VOLKAR
Assistant United States Attorneys

~~PROPOSED~~ ORDER

Based upon the facts set forth in the stipulation of the parties and the representations made to the Court, and for good cause shown, the trial of this matter currently set for January 11, 2022, shall be continued to February 15, 2022, at 9:00 a.m. For good cause shown, the Court finds that failing to exclude the time from January 11, 2022, to February 15, 2022, would unreasonably deny continuity of counsel and deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence and the complexity of the case. 18 U.S.C. § 3161(h)(7)(B)(ii) & (iv). The Court further finds that the ends of justice served by excluding the time from January 11, 2022, to February 15, 2022, from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from January 11, 2022, to February 15, 2022, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(ii) & (iv).

IT IS SO ORDERED.

Dated: December 13, 2021



EDWARD J. DAVILA
UNITED STATES DISTRICT JUDGE