

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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| UNITED STATES OF AMERICA, | : | |
| | : | |
| -against- | : | |
| | : | <u>MEMORANDUM & ORDER</u> |
| ABRAXAS J. DISCALA, | : | |
| Also known as "AJ DiScala," | : | 14-cr-399 (ENV) |
| MARC WEXLER, IRA SHAPIRO, | : | |
| MATTHEW BELL, | : | |
| CRAIG JOSEPHBERG, | : | |
| Also known as "Jobo," | : | |
| KYLEEN CANE, DARREN GOODRICH, | : | |
| DARREN OFSINK, VICTOR AZRAK, and | : | |
| MICHAEL MORRIS, | : | |
| | : | |
| Defendants. | : | |
| ----- | X | |

VITALIANO, D.J.

All parties having made their final submissions on the pretrial motions previously argued before the Court, and in order to facilitate and encourage the parties to proceed fullbore in their trial preparations, the Court enters the following table of summary rulings:

| <u>Motion</u> | <u>Ruling</u> |
|---|-----------------|
| Abraxas J. DiScala’s First Motion to Suppress Wiretap & Search Warrant Evidence and Motion for a <i>Franks</i> hearing ¹ , Dkt. No. 352 ² | Denied. |
| Government’s Motion to Quash Subpoena, | Denied as moot. |

¹ 438 U.S. 154 (1978).

² See also Dkt. Nos. 404 (Dec. 15, 2017 DiScala First Suppression Letter), 420 (Dec. 22, 2017 First Gov’t Suppression Letter), 425 (Dec. 29, 2017 DiScala Second Suppression Letter) 429 (Jan. 3, 2018 Second Gov’t Suppression Letter), 444 (Jan. 8, 2018 DiScala Third Suppression Letter), 455 (Jan. 12, 2018 DiScala Fourth Suppression Letter), 456 (Jan. 12, 2018 Gov’t Letter Regarding Jury Questionnaire), 473 (Jan. 23, 2018 Third Gov’t Suppression Letter), 481 (Jan. 25, 2018 DiScala Fifth Suppression Letter), 487 (Jan. 31, 2018 Fourth Gov’t Suppression Letter), and 488 (Feb. 2, 2018 DiScala Sixth Suppression Letter).

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| Dkt. No. 445 | |
| Abraxas J. DiScala's Response to Motion to Quash and Motion for Issuance of Subpoena regarding Electronic Metadata, Dkt. No. 448 | Denied. |
| Abraxas J. DiScala's Second Motion to Suppress Warrantless Search of Residence, Dkt. No. 458 ³ | Denied. |
| Michael Morris's Motion to Sever his Trial, Dkt. No. 349 | Denied on the grounds asserted. |
| Kyleen Cane's Motion to Sever her Trial, Dkt. No. 341 | Denied. |
| Michael Morris's Motion to Dismiss the Indictment for Lack of Venue, Dkt. No. 349 | Denied without prejudice to renewal at close of government's case. |
| Kyleen Cane's Motion to Dismiss Counts One, Two, and Four of the Indictment, Dkt. No. 341 | Denied. |
| Kyleen Cane's Motion for Use of a Jury Questionnaire, Dkt. No. 341 | Granted. |

The Court is expeditiously completing work on a formal opinion that will explain the basis for each of the rulings. Counsel should turn their attention to the development of a concise

³ See Dkt. Nos. 458 (DiScala Second Motion to Suppress), 471 (Government Motion in Opposition to Second Suppression Motion), and 480 (DiScala Reply).

