

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
ELIZABETH A. HOLMES,
Defendant.

Case No. 18-cr-00258-EJD-1

**REVISED ORDER SETTING CASE
SCHEDULE**

This case was set for jury trial to commence on March 9, 2021. This setting followed continuances of the trial for a variety of reasons including the court’s concerns for the health of all potential trial participants and the public. The court has been vigilant in keeping informed as to the impact of the COVID-19 Pandemic in the nation and state and in day to day life in the San Francisco bay area. The court notes sadly, the impact on our lives is grim. California is in the midst of an unprecedented surge in cases and hospitalizations. As of December 18, 2020, California has 1,764,374 confirmed cases of COVID-19, resulting in 22,160 deaths. *See* <https://covid19.ca.gov/state-dashboard>. Today alone, 300 lives were lost to COVID-19. *Id.* We are operating under a Regional Stay Home Order to save lives, protect the health care delivery system and keep those at highest risk and essential workers safe. Locally, Santa Clara County is reporting that the 7-day rolling average of new cases is 1,170 and that hospitals are nearing maximum capacity. These conditions will impact the jury panel and the public’s confidence in an in-person trial estimated to last several months. The court is hopeful conditions will improve significantly in the near future. The FDA has approved a second Covid vaccine. *See*

1 <https://www.cnbc.com/2020/12/18/moderna-covid-vaccine-approved-fda-for-emergency-use.html>.
 2 The nation's top infectious disease expert, Dr. Anthony Fauci, estimates that the general public
 3 should be able to be vaccinated within two to four months. See [https://www.today.com/health/dr-](https://www.today.com/health/dr-fauci-hoping-get-covid-19-vaccine-within-next-few-t204241)
 4 [fauci-hoping-get-covid-19-vaccine-within-next-few-t204241](https://www.today.com/health/dr-fauci-hoping-get-covid-19-vaccine-within-next-few-t204241). All of this supports continuing the
 5 trial to a time when our community is safer. The court recognizes that a continuance of the trial
 6 will cause great inconvenience to victims who would like their day in court, as well as Defendant,
 7 who wishes a speedy opportunity to defend against the charges. All of these rights are important,
 8 but paramount to the court is the safety and health of the community.

9 Accordingly, the court sets the following case schedule in light of the ongoing COVID-19
 10 Pandemic and the need for effective preparation for trial due to the complexities of the case:

DATE	EVENT
Friday, January 8, 2021 by 5pm	Responses to motions in limine
Monday, February 15, 2021 by 5pm	Replies for motions in limine
10:00 a.m., March 23, 24, 2021	Hearing for motions in limine and motions re: experts.
Thursday, May 27, 2021	Proposed jury instructions, juror questionnaire, and voir dire questions due
Thursday, June 3, 2021	Pretrial Conference statement due per Criminal Local Rule 17.1-1(b). The Government shall advise the court that it has produced all <i>Brady</i> and <i>Giglio</i> information in its possession and will continue to produce any the Government subsequently discovers
10:00 a.m., Tuesday, June 15, 2021	Pretrial Conference
9:00 a.m., Tuesday, July 13, 2021	Trial (first day of jury selection)

24 It is further ordered that time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), 18 U.S.C.
 25 §3161(h)(7)(B)(iv) and 18 U.S.C. §3161(h)(7)(B)(ii). The court finds that the ends of justice
 26 served by the continuance outweigh the best interest of the public and the Defendant in a speedy
 27 trial, and excludes time through and including July 13, 2021.

28 Case No.: 18-cr-00258-EJD-1
 REVISED ORDER SETTING CASE SCHEDULE


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For the above stated reasons, time is excluded.

IT IS SO ORDERED.

Dated: December 18, 2020



EDWARD J. DAVILA
United States District Judge