

1 JOHN D. CLINE (CA State Bar No. 237759)
50 California Street, Suite 1500
2 San Francisco, CA 94111
Telephone: (415) 662-2260 | Facsimile: (415) 662-2263
3 Email: cline@johndclinelaw.com

4 KEVIN M. DOWNEY (Admitted Pro Hac Vice)
LANCE A. WADE (Admitted Pro Hac Vice)
5 AMY MASON SAHARIA (Admitted Pro Hac Vice)
KATHERINE TREFZ (CA State Bar No. 262770)
6 WILLIAMS & CONNOLLY LLP
725 Twelfth Street, NW
7 Washington, DC 20005
Telephone: (202) 434-5000 | Facsimile: (202) 434-5029
8 Email: KDowney@wc.com; LWade@wc.com; ASaharia@wc.com; KTrefz@wc.com

9 Attorneys for Defendant ELIZABETH A. HOLMES

10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 UNITED STATES OF AMERICA,) Case No. CR-18-00258-EJD
15)
16 Plaintiff,) **STIPULATION AND JOINT MOTION TO**
17) **SCHEDULE SENTENCING HEARING AND TO**
v.) **EXTEND TIME TO FILE POST-TRIAL**
18) **MOTIONS UNDER RULES 29, 33, 34**
ELIZABETH HOLMES and)
18 RAMESH "SUNNY" BALWANI,)
19 Defendants.)
20)
21)
22)

1 **STIPULATION AND JOINT MOTION TO SCHEDULE SENTENCING HEARING AND TO**
2 **EXTEND TIME TO FILE POST-TRIAL MOTIONS UNDER RULES 29, 33, AND 34**

3 PLEASE TAKE NOTICE that the parties will and hereby do respectfully move to schedule a
4 sentencing hearing and pursuant to Fed. R. Crim. P. 45 for an extension of time to file post-trial motions
5 under Fed. R. Crim. P. 29, 33, and 34, and for an extended briefing schedule. The Motion is based on
6 the below Memorandum of Points and Authorities, the record in this case, and any other matters that the
7 Court deems appropriate.
8

9 DATED: January 11, 2022
10

11 /s/ Amy Mason Saharia
12 KEVIN DOWNEY
13 LANCE WADE
14 AMY MASON SAHARIA
15 KATHERINE TREFZ
16 Attorneys for Elizabeth Holmes
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1 **STIPULATION AND MEMORANDUM OF POINTS AND AUTHORITIES**

2 The parties jointly stipulate and move as follows:

3 WHEREAS the government intends to dismiss Counts 3, 4, and 5 of the indictment, ECF 469, on
4 which the jury did not return a verdict, ECF 1235, and will file a motion to dismiss those counts by
5 Friday, January 14, 2022;

6 WHEREAS the parties have agreed to certain modifications of Ms. Holmes' bond, whereby the
7 \$500,000 bond will be secured by property identified to Pretrial Services;

8 WHEREAS the parties agree that a sentencing hearing following Labor Day 2022 would be
9 appropriate in light of ongoing proceedings in a related matter;

10 WHEREAS, absent extension, Ms. Holmes' post-trial motions under Fed. R. Crim. P. 29, 33,
11 and/or 34 are due to be filed on January 18, 2022,

12 WHEREAS the parties agree that good cause exists to extend the time within which to file and
13 brief post-trial motions under Fed. R. Crim. P. 29, 33, and/or 34 in light of the size of the record in this
14 case, and the logistical burden on the Court and government associated with the upcoming trial in
15 *United States v. Balwani*, 18-cr-258-EJD-2; AND

16 WHEREAS the parties have agreed to the briefing schedule set forth below;

17 NOW THEREFORE, the parties jointly move the Court for a sentencing hearing at 1:30pm PST
18 September 12, 2022;

19 AND the parties jointly move the Court under Fed. R. Crim. P. 45 for an extension of time for
20 Ms. Holmes to file post-trial motions under Fed. R. Crim. P. 29, 33, and 34 to March 4, 2022 and for the
21 issuance of the following briefing schedule:

22 March 4, 2022: Ms. Holmes' motions under Rules 29, 33, and 34

23 April 29, 2022: Government oppositions

24 May 27, 2022: Ms. Holmes' replies

25 **CONCLUSION**

26 For the foregoing reasons, Court should grant this joint motion and enter the attached stipulated
27 proposed order.

28 STIPULATION AND JOINT MOTION TO SCHEDULE SENTENCING HEARING AND TO
EXTEND TIME TO FILE POST-TRIAL MOTIONS UNDER RULES 29, 33, 34
CR-18-00258 EJD

1 DATED: January 11, 2022

Respectfully submitted,

2 /s/ Amy Mason Saharia

3 KEVIN DOWNEY

LANCE WADE

4 AMY MASON SAHARIA

KATHERINE TREFZ

Attorneys for Elizabeth Holmes

6 STEPHANIE M. HINDS

Acting United States Attorney

7 /s/ Robert S. Leach

8 JEFFREY SCHENK

9 JOHN C. BOSTIC

ROBERT S. LEACH

10 KELLY I. VOLKAR

Assistant United States Attorneys

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28 STIPULATION AND JOINT MOTION TO SCHEDULE SENTENCING HEARING AND TO
EXTEND TIME TO FILE POST-TRIAL MOTIONS UNDER RULES 29, 33, 34
CR-18-00258 EJD

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2022 a copy of this filing was delivered via ECF on all
counsel of record.

/s/ Amy Mason Saharia
AMY MASON SAHARIA
Attorney for Elizabeth Holmes

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