

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEITH BERMAN,

Defendant.

Case No. 1:20-cr-278 (TNM)

ORDER

Upon consideration of the parties' briefs and arguments and the entire record in this case and for the reasons stated on the record in the Court's November 19, 2021, Motions Hearing, it is hereby

ORDERED that a ruling on the Government's [30] Motion in Limine is DEFERRED without prejudice to defense counsel discussing the saliva test in his opening statement; and it is also

ORDERED that Defendant's [31] Pretrial Omnibus Motions are GRANTED IN PART and DENIED IN PART

- The Motion to Dismiss Count Four of the Indictment is DENIED;
- The Motion to Dismiss Count Three of the Indictment is DENIED;
- The Motion to Dismiss Counts Two and Three is DENIED;
- The Motion in Limine to Preclude the Admission in Evidence of Prejudicial

Uncharged Similar Act Evidence is GRANTED IN PART insofar as the Government may not introduce evidence that Mr. Berman spent allegedly misappropriated funds to

pay to chat on webcams assuming that he agrees to a sanitizing stipulation about the misappropriated funds and DENIED IN PART insofar as the Government may introduce evidence of instances in which Mr. Berman is alleged to have been untruthful;

- The Motion in Limine to Preclude Evidence of Securities and Wire Fraud After the Trading Public Received Explicit Warnings from the SEC and OTC Markets Group About the Risks of Purchasing Shares in DECN is DENIED;
- The Motion in Limine to Preclude Expert Evidence is DENIED AS MOOT;
- The Motion for a Bill of Particulars is DENIED; and it is also

ORDERED that Defendant's [35] Motion to Dismiss the Indictment is DENIED; and it is also

ORDERED that Defendant's [38] Motion to Dismiss Count Two of the Indictment is DENIED; and it is also

ORDERED that Defendant's [43] Second Motion in Limine is DENIED.

SO ORDERED.

Dated: November 19, 2021

TREVOR N. McFADDEN
United States District Judge