



U.S. Department of Justice

United States Attorney
Southern District of New York

26 Federal Plaza, 37th Floor
New York, New York 10278

October 18, 2024

BY ECF

The Honorable Arun Subramanian
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

GRANTED. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 37.

SO ORDERED.

Re: *United States v. Combs*, 24 Cr. 542 (AS)

Arun Subramanian, U.S.D.J.
Date: October 18, 2024

Dear Judge Subramanian:

The Government respectfully writes to request a deadline of October 30, 2024 to file its response to the defendant's motion for a bill of particulars under Federal Rule of Criminal Procedure Rule 7(f) dated October 15, 2024. (Dkt. 36, the "Rule 7(f) Motion"). The parties conferred regarding the Government's proposed deadline. The Government understands the defense's position is that the motion is "unusual and an emergency" and the Government should be required to respond by Monday, October 21, 2024—less than one week from when the motion was filed.

The Government should be permitted to respond to the Rule 7(f) Motion by October 30, 2024. The Government is currently scheduled to respond to a different defense motion—the motion relating to purported grand jury leaks—by that date and consolidating the Government's oppositions to these two motions would promote "simplicity in procedure and fairness in administration." *See* Fed. Crim. R. 2. Moreover, the default deadline to respond to the defendant's motion as set forth in Local Rule 49.1 would be October 29, 2024, one day before the date requested by the Government.

The Rule 7(f) Motion does not require a quicker response. In fact, as the Government will more fully address in its opposition, the motion cannot meaningfully be evaluated at this stage, prior to the completion of discovery, and the Government should be permitted to respond to any remaining disputes following the close of discovery. *See, e.g., United States v. Maxwell*, 20 Cr. 330 (AJN), 2020 WL 5026668, at *1 (S.D.N.Y. Aug. 25, 2020) (denying as premature motion for disclosure of alleged victims' identities prior to completion of discovery and rejecting defense argument that it was "critical for the defense to know the names of [victims] as soon as possible" (*see* Dkt. No. 33)). *See also United States v. Barnes*, 158 F.3d 662, 666 (2d Cir. 1998), (finding that a bill of particulars was not required where the discovery provided to the defendant enabled him "to understand the nature of the charges against [him], to prepare a defense, and [to] avoid unfair surprise at trial.").

Accordingly, the Government respectfully requests that the Court permit the Government to oppose the Rule 7(f) Motion by October 30, 2024, when its opposition to the defendant's prior motion is due.

Respectfully submitted,

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