

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

UNITED STATES OF AMERICA

CRIMINAL NO. 6:25-CR-00134

VERSUS

JUDGE DAVID C. JOSEPH

JACK MONToucET

MAGISTRATE JUDGE CAROL B.
WHITEHURST

SCHEDULING ORDER

A status conference was held before Magistrate Judge Whitehurst on June 18, 2025. Present for the Government was Lauren Gardner and LaDonte Murphy, and present for Defendant was Don Cazayoux, Lane Ewing, and John McLindon. By separate order, the Court granted the Government's Motion to Certify Case as Complex and Extend Motion and Speedy Trial Act Deadlines. Accordingly;

TRIAL is **SET** before Judge Joseph on **May 11, 2026** at **9:00 a.m.** Trial is anticipated to last 10 days, not including jury selection. A **pretrial conference** will be **HELD** in the chambers of Judge Joseph on April 22, 2026 at 3:30 p.m. Attendance by trial counsel is required. The pretrial deadlines are as follows:

- | | |
|---|--|
| 1. June 25, 2025
7 days after issuance
of scheduling order | Defendant's Request for Discovery. Government's response is due 7 days from discovery request. See Rule 16(a)(1). |
| 2. July 3, 2025
15 days after
issuance of
scheduling order | Government's Request for Discovery. Defendant's reciprocal is due 7 days from discovery request. See Rule 16(b)(1). |
| 3. March 12, 2026
60 days before trial | Expert Witness Disclosure by party with the burden of proof. |

Notice Deadline (*See e.g.* Fed. R. Crim. P. 12.2, 12.3; Fed. R. Evid. 404(b), 413, 414).

4. April 1, 2026
40 days before trial

Expert Witness Disclosure by party without the burden of proof.

5. April 13, 2026
30 days before trial

Motions Deadline (*e.g.* suppression motions, Daubert motions, motions in limine, etc.). Oppositions are due 5 days after service of motion. Reply briefs accepted only with leave of court requested 3 days after service of opposition.

6. April 20, 2026
21 days before trial

Applications for Writ of Habeas Corpus ad testificandum (*i.e.* to produce witnesses who are currently incarcerated). Such applications must describe specifically why the testimony is necessary.

List of Foreseeable Issues, Proposed Voir Dire, Proposed Jury Instructions.¹

7. April 20, 2026
2 days before Pretrial Conference

Deadline to submit plea packet.²

8. April 27, 2026
14 days before trial

Applications for subpoena(s) pursuant to Fed. R. Crim. P. 17(b) (*i.e.*, Defendant unable to pay).

9. May 4, 2026
7 days before trial

Real Time Glossary. By this date, each party shall submit to the court reporter a witness list, glossary of names and unusual terms, and/or word index of terms likely to be stated on the record during trial that are technical, scientific, medical, or otherwise uncommon.

Real-Time. Real-time is available, and arrangements must be made with the Judge's court reporter at least one week prior to trial.

10. May 6, 2026
5 days before trial

Witness Lists (with witnesses designated as "fact" or "expert," and the expected length of testimony).

¹ For instructions regarding these documents, *see* Appendix, § I.

² *See* Appendix, § IV.

Exhibit Lists and **Bench Books** are to be provided to the Court and opposing parties.³ Witnesses or evidence called/offered solely for impeachment need not be included.

THUS, DONE AND SIGNED on this 23rd day of June, 2025.



A handwritten signature in black ink, appearing to read 'Carol B. Whitehurst', is written over a large, faint watermark of the Louisiana State Seal. The seal features a red map of Louisiana with a white star, surrounded by the words 'GOVERNMENT TRAFFIC AGENCY' and a banner at the bottom that says 'CITIZENS FOR A New Louisiana'.

CAROL B. WHITEHURST
UNITED STATES MAGISTRATE JUDGE

³ Absent permission otherwise, counsel must provide 2 sets of bench books to chambers, 1 set to the Courtroom Deputy, and 1 set to each opposing party; counsel must also provide the Courtroom Deputy with a flash drive containing all trial exhibits. Prior to jury selection, counsel must deliver 1 complete set of bench books to the courtroom for the use of testifying witnesses at trial.

Appendix

I. Pretrial Conference

A. List of Foreseeable Issues

For discussion at the pretrial conference, counsel will file a list of **ALL** foreseeable issues that will arise on admissibility of evidence, burden of proof, and any other issues that can or must be dealt with in advance of trial. The purpose to be served is to eliminate, to the extent possible, delays during the course of the trial, and to permit advance preparation and research of issues expected to be raised at trial. The issue list will include counsel's opinion whether a pretrial hearing will be necessary to resolve any of these foreseeable issues. Examples of such issues which may require a hearing include, but are not limited to:

1. Extrinsic evidence questions under *U.S. v. Beechum*, 582 F.2d 898 (5th Cir. 1978);
2. Voluntariness of statements under 18 U.S.C. § 3501;
3. Admissibility questions; and/or
4. Any other issue resolvable by a pretrial hearing.

The following topics will also be discussed at the pretrial conference:

1. Estimated time required by each side to put on its case;
2. Marking of documents for identification;
3. Waivers of foundation of documents where possible;
4. Exchange of *curriculum vitae* of expert witnesses and/or stipulation of expert qualifications;
5. Pending discovery problems;
6. Consideration of making Jencks Act material available to the defendant prior to the testimony of all witnesses;
7. Jury instructions/*voir dire* problems; and
8. Any other relevant matter necessary for the smooth progress of the trial.

B. Proposed Voir Dire

The Court will conduct voir dire and allow counsel 10 minutes for any follow up questions. Counsel may submit proposed voir dire questions specific to a party or the case for the Court's consideration.

C. Jury Instructions

Fifth Circuit Pattern Jury Instructions requested by the parties should be referenced only by their numbers. Each non-pattern instruction must be

accompanied by a brief stating the statutory and/or jurisprudential authority for the instruction. Fifth Circuit authority is preferable. A simple case citation will not be sufficient.

II. Continuances

Any request for a continuance of the trial setting or a pretrial deadline **MUST** include the specific reasons why the scheduled trial date or pretrial deadlines do not afford sufficient time, the exact amount of additional time requested and, if the party is requesting a trial continuance, the motion **MUST** include the relevant provision(s) of 18 U.S.C. § 3161 authorizing the continuance. Continuance requests **MUST** comply with the Court's Standing Order regarding timely filing motions to continue. See Standing Order at www.lawd.uscourts.gov – under Chambers tab for Judge David C. Joseph.

III. Other Requirements

A courtesy copy of all material required by this Scheduling Order should be submitted directly to chambers in order to facilitate prompt attention to all matters. Courtesy copies should be e-mailed to joseph_motions@lawd.uscourts.gov. All electronic submissions should be in Microsoft Word format.

IV. Guilty Plea and Sentencing Procedures

A. Guilty Pleas

Prior to the taking of a guilty plea, counsel are to submit a plea packet to the Court, which includes each of the following documents:

1. The plea agreement;
2. An affidavit of understanding of maximum penalty and constitutional rights;
3. The elements of the offense;
4. A stipulated factual basis for the guilty plea⁴; and
5. A consent decree of forfeiture in appropriate cases.

Absent good cause, guilty pleas will not be set until after receipt of the foregoing documents, signed by defendant and all counsel.

B. Sentencing

⁴ The Court may accept oral testimony in lieu of a written, stipulated factual basis for the guilty plea.

Presentencing memoranda must be filed by counsel under seal **at least seven (7) days** prior to the scheduled sentencing date, with a confidential copy submitted directly to the Probation Office. *See* LCrR 32.2. Any response thereto must be filed under seal, with a confidential copy submitted directly to the Probation Office, at least **three (3) days** prior to the scheduled sentencing date. The submission of a presentencing memorandum does not relieve the parties from the obligation of providing the probation officer with written objections to the presentence report within fourteen (14) days from the day of disclosure. *See* Fed. R. Crim. P. 32(f); LCrR 32.1.

