

Michael Louis Minns (pro hac vice)
Texas State Bar No. 14184300
mike@minnslaw.com
Ashley Blair Arnett (pro hac vice)
Texas State Bar No. 24064833
ashley@minnslaw.com
MICHAEL LOUIS MINNS, P.L.C.
9119 S. Gessner, Suite One
Houston, Texas 77074
Tel.: (713) 777-0772
Fax: (713) 777-0453

Counsel for Defendant James Parker

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

**UNITED STATES OF AMERICA,
Plaintiff**

**v.
JAMES R. PARKER, ET. AL.,
Defendants**

§
§
§
§
§
§
§

Case No.: CR-10-00757 PHX-ROS

**MOTION FOR CONTINUANCE
AND MOTION FOR EXTENSION
OF TIME**

**MOTION FOR TRIAL CONTINUANCE AND
MOTION TO EXTEND TIME TO RESPOND TO
GOVERNMENT’S MOTION FOR A PROTECTIVE ORDER**

NOW COMES the Defendant, James Parker, by his attorney, Michael Louis Minns, to ask this Court for a two week extension of time to file a response to the Government’s Motion for a

Protective Order and to continue the current trial setting of September 6, 2011. As further grounds therefore, the Defendant submits the following:

The Response to the Government's Motion for a Protective Order is due June 9, 2011. The Trial is set to begin on September 6, 2011. Lead Defense Counsel recently had surgery. He was told by his doctors that he should plan to be unavailable at work for up to two weeks and then on very light duty for another two weeks and fully functional in 4-6 weeks. Counsel's doctor also has told him to expect to be taking pain medication for several days after the procedure. If more information is required it will be produced in camera.

In this case, Counsel's lost and then limited work availability directly impacted his ability to prepare for a July 11, 2011 trial setting (expected to last 2-3 weeks), file a response to the Government's Motion for Protection in this case, prepare for this September trial setting, and prepare for and attend other deadlines and settings. Counsel also was required to prepare for and defend against a previously unset emergency preliminary injunction against a public company at this time which concluded last week.

Counsel seeks a thirty-day trial continuance, because his ability to work was limited in the weeks immediately before the July Trial setting having a domino effect on the future trial setting.

It is expected that excludable delay under 18 U.S.C. §3161 (h)(7)(A); (B)(iv) and (h)(1)(f) may result from this Motion or from an Order based thereon.

The Court will find attached a proposed Order.

CERTIFICATE OF CONFERENCE

On June 9, 2011, I conferred with AUSA Walter Perkel and AUSA Peter Sexton. Mr. Sexton does not object to the Extension of Time to File the Response to the Government's Motion for a Protective Order and he does not object to the Motion for Continuance provided the Court consults with the Government on re-scheduling the trial date.

Respectfully submitted this 9th day of June 2011.

/s/ Ashley Blair Arnett

Michael Minns (pro hac vice)

State Bar No. 14184300

Ashley Blair Arnett (pro hac vice)

State Bar No. 24064833 (Texas)

MICHAEL LOUIS MINNS, P.L.C.

Counsel for Defendant James Parker

9119 S. Gessner Suite One

Houston, TX 77074

Tel.: (713) 777-0772

Fax: (713) 777-0453

Email: ashley@minnslaw.com

- AND -

/s/ John McBee

John McBee

Arizona State Bar No. 018497

Local counsel for Defendant James Parker

3104 E. Camelback Rd. RD PMB 851

Phoenix, AZ 85016-0001

Tel.: 602-903-7710

Fax: 602-532-7077

Email: mcbee@cox.net

CERTIFICATE OF SERVICE

On June, 9 2011, I, Ashley Blair Arnett, attorney for the Defendant James Parker, filed this motion with the Arizona District Court's electronic filing system. Based on my training and experience with electronic filing in the federal courts, it is my understanding that a copy of this request will be electronically served upon the parties upon its submission to the Court.

/s/Ashley Blair Arnett

Ashley Blair Arnett

Attorney for Defendant James Parker

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

UNITED STATES OF AMERICA,
Plaintiff

v.
JAMES R. PARKER, ET. AL.,
Defendants

§
§
§
§
§
§
§

Case No.: CR-10-00757 PHX-ROS

ORDER

ORDER

Upon motion of the Defendant, with no objection from the Government:

IT IS ORDERED granting the Defendant’s Motion to Extend Time to Respond to Government’s Motion for Protective Order and Motion to Continue Trial.

The Court finds that the ends of justice served by granting a continuance outweigh the best interest of the public and the defendant in a speedy trial and sentencing. This finding is based upon the Court’s conclusion that the failure to grant such a continuance would deny the defendant the reasonable time necessary for effective preparation, taking in account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv).

IT IS FURTHER ORDERED that the deadline for responding to the Government’s Motion for a Protective Order in this case currently set for June 9, 2011 is continued to _____, at _____ a.m., at 401 W. Washington Street, Phoenix, Arizona.

IT IS FURTHER ORDERED that the Trial Setting is continued to

_____.

Excludable delay under 18 U.S.C. § 3161(h)(8)(A) is found to commence on

_____ for a total of _____ days.

SO ORDERED this _____ day of _____, 2011.

HONORABLE ROSLYN O. SILVER
United States District Judge