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17 *Attorneys for Plaintiff*

18 IN THE UNITED STATES DISTRICT COURT
19 FOR THE DISTRICT OF ARIZONA

20 United States of America,
21 Plaintiff,
22 v.
23 Thomas Mario Costanzo,
24 Defendant.

25 CR-17-00585-PHX-GMS

26 **NOTICE AS TO PENDING MOTIONS**

27 Pursuant to docket # 74, Counts 1-2 have been dismissed in this matter, and the
28 second defendant (Dr. Steinmetz) has been dismissed from the Superseding Indictment, all
without prejudice to refile. The government and counsel for Mr. Costanzo agree that the
following summarizes the status of pending motions:

The dismissal of Counts 1-2 moots out all motions which pertain solely to Dr.
Steinmetz, to wit: ## 50, 51 and 57. It also moots out motions as to Mr. Costanzo that
relate solely to Counts 1-2, to wit: ## 52, 55, 59, 61 and 62.

Substantive motions 54 (through joinder in 71), 58, 63, 65, 67, and 71 all remain
viable as to Mr. Costanzo. The government has a pending motion to extend the time to
respond to ## 63, 65, 67 and 71 to through and including Monday, December 4, 2017.

1 Two other non-substantive motions filed without objection from the government
2 also remain viable: # 64 (seeking leave to file a compact disk); and # 60 [through joinder
3 by Mr. Costanzo in # 71] (seeking an extension of the time to file pretrial motions until 30
4 days after a resolution of the existing motions, as filed by Dr. Steinmetz without objection
5 from the government).

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7 Respectfully submitted this 22nd day of November, 2017.

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9 ELIZABETH A. STRANGE
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12 *s/ Gary Restaino*
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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to counsel of record in this case.