



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

January 7, 2021

**BY ECF**

The Honorable Jesse M. Furman  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**Re: *United States v. Michael Avenatti, 19 Cr. 374 (JMF)***

Dear Judge Furman:

The Government respectfully submits this letter on behalf of the parties pursuant to the Court's Order issued on January 4, 2021 (Dkt. No. 101).

**1. Whether this case should or must be tried before June 30, 2021, or whether trial should be adjourned to later.**

The Government has identified no circumstances particular to this case that require the trial to be held before June 30, 2021. The parties are prepared, however, to proceed to trial on April 26, 2021, subject to the final determination of the Assignment Committee, and the Court's assessment of its ability to safely hold in-person proceedings, including jury selection. Should the Court be inclined to adjourn the trial in light of the ongoing difficulties posed by the COVID-19 pandemic, the parties have no objection to an adjournment of the trial to a date when the Court anticipates being able to safely summon a venire and convene a jury trial.

In determining when to hold the trial in this case, the parties request that the Court take into account the pending case against the defendant in the Central District of California. Yesterday, the Honorable James V. Selna, United States District Judge for the Central District of California, rescheduled the first of two trials to be held in that case from February 23, 2021, to July 13, 2021. Judge Selna maintained the previously scheduled date for the second trial in that case of October 12, 2021, but stated that he considered that date to be a "control date."<sup>1</sup>

**2. Whether and when the Court should hold a conference to discuss the matter.**

The parties do not request that the Court hold a conference to discuss the timing of the trial, although they are available to participate if such a conference would be of assistance to the Court.

---

<sup>1</sup> In the course of the conference, Judge Selna indicated that he may contact this Court in order to discuss the timing of the defendant's trials.


Honorable Jesse M. Furman  
United States District Judge  
January 7, 2021  
Page 2

**3. Whether time should be excluded under the Speedy Trial Act until the next court appearance.**

The parties request that, in the event that the Court adjourns the trial to a date after April 26, 2021, the Court exclude time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), until the new trial date.

Respectfully submitted,


AUDREY STRAUSS  
Acting United States Attorney

By:   
Matthew D. Podolsky  
Robert B. Sobelman  
Assistant United States Attorneys  
(212) 637-1947/2616

cc: Robert M. Baum, Esq. (by ECF)  
Andrew J. Dalack, Esq. (by ECF)  
Tamara L. Giwa, Esq. (by ECF)

Much as the Court would like to keep the trial date as is, it concludes that, given the continuing public health crisis, going to trial on that date - particularly in a case of this nature - is not likely to be realistic or prudent. Accordingly, and in view of the Defendant's California trial dates, trial is hereby ADJOURNED to January 10, 2022. Within three weeks, defense counsel shall file a letter confirming that Defendant (1) is aware of the trial date and (2) understands that it is a firm date and that any application (e.g., relating to discovery, counsel, etc.) that could affect the ability to begin trial as scheduled may be denied on that basis alone and therefore must be filed as early as possible. The Clerk of Court is directed to terminate ECF No. 102.

SO ORDERED.



January 8, 2021