



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

MKM:TH/MKP/KMT
F. #2017R01840

*271 Cadman Plaza East
Brooklyn, New York 11201*

January 11, 2019

By Hand and ECF

The Honorable Nicholas G. Garaufis
United States District Judge
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Keith Raniere, et al.
Criminal Docket No. 18-204 (NGG) (S-1)

Dear Judge Garaufis:

The government respectfully submits this letter to advise the Court of its position regarding the trial date and pretrial motion schedule currently set in the above-captioned case. On January 10, 2018, defendants Bronfman, Nancy Salzman and Kathy Russell (the “movants”) filed a joint motion for severance in which their attorneys expressed “grave concerns that the March date is not feasible, and that they do not have sufficient time to prepare for trial in a manner consistent with their ethical obligations to their clients.” (DE 276 at 23). Given this representation by counsel that they require additional time to prepare for trial, as well as the agreement of all parties and the Court that the case is complex, the government submits that it would be appropriate for the Court to adjourn of the current trial date.

The movants cite defendant Raniere’s refusal to consent to an adjournment of the trial date as a reason severance is appropriate, but a co-defendant’s consent is not required for an adjournment that will serve the ends of justice. See 18 U.S.C. § 3161(h)(6) and (7). The government further notes, as it will set forth in more detail in its opposition brief to the severance motions, “there is a preference in the federal system for joint trials of defendants who are indicted together.” Zafiro v. United States, 506 U.S. 534, 537 (1993). The presumption in favor of a joint trial is especially compelling where, as here, the acts alleged in an indictment are “unified by some substantial identity of facts or participants or arise out of a common plan or scheme,” United States v. Attanasio, 870 F.2d 809, 815 (2d Cir. 1989) (internal quotation marks and citations omitted), or where the defendants are “charged in the same conspiracy,” United States v. Pirro, 76 F. Supp. 2d 478, 483 (S.D.N.Y.

