

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

<b>IN THE MATTER OF THE</b>	§	
<b>REPRESENTATION OF MULTIPLE</b>	§	
<b>TARGETS:</b>	§	<b>CAUSE NO.: EP-06-CR-1369FM</b>
	§	
<b>CHARLES ROARKE,</b>	§	
<b>MILTON “MICKEY DUNTLEY, AND</b>	§	
<b>ERNIE LOPEZ</b>	§	

**GOVERNMENT’S MOTION FOR LEAVE TO  
FILE RESPONSE AND OPPOSITION TO MOTION  
TO STRIKE OUT OF TIME**

Comes now the United States of America by the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney (AUSA) and files this, the Government’s Motion for Leave to file Response and Opposition to Motion to Strike Motion to Disqualify Counsel for Conflict of Interest Out of Time and for good cause would show the following.

After a recent error in drafting and editing a response to the Court regarding the instant subject matter the, undersigned, lead AUSA assigned to the above styled and numbered cause, believes that, in the best interest of accuracy at this time, the undersigned should be responsible for responding and/or reviewing responses to all issues regarding the government’s original request for this Court to examine any actual or potential conflict in the representation by Mary Stillinger of three targets in a criminal investigation. Unfortunately, time constraints have prevented the undersigned from meeting that obligation within the proscribed deadline.<sup>1</sup>

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<sup>1</sup>Although the undersigned was not informed that the response was due Friday, July 13, 2007, she has since learned, after a phone call from the Court’s legal clerk, that individuals in her office were aware of the deadline, but were out of the office, thus did not pass on that date. The government acknowledges that notice to anyone in the USAO is notice to the undersigned and apologizes for any inconvenience to the Court and counsel for the Targets.

***In the Matter of Multiple Representation: Roark, Duntley, & Lopez***  
**Cause No.: EP-06-CR-1369FM**  
**Government's Motion for Leave to file Response and Opposition to**  
**Motion to Strike Motion to Disqualify Counsel for Conflict of Interest Out of Time**  
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The undersigned AUSA returned to El Paso from a two week vacation the night of July 4, 2007. She arrived at work the next morning to find a great deal of work to catch up on and an office with a dearth of personnel as a result of the mid-week holiday. From Monday, July 9, 2007, through and including Wednesday, July 11, 2007, only five able bodied AUSAs remained in the El Paso Division, forgoing the Western District of Texas retreat, to manage the office and cover courts, grand jury, agent needs and all other matters relating to the El Paso Division.<sup>2</sup>

Additionally, the undersigned was tasked with additional time consuming tasks unrelated to this case, which carried a short deadline. Normally, the undersigned spends weekend time catching up on case related matters; however, a combination of jet lag and personal demands interfered with that practice.

Wherefore, premises considered, the government requests the Court grant this motion and permit the government to file its response by 5:00 p.m., Thursday, July 19, 2007.

By: \_\_\_\_\_/s/\_\_\_\_\_  
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<sup>2</sup>While hearings in most of the four District Courts were sparse, the Magistrate Courts conducted routine business. AUSA Jose Luis Acosta remained behind, but was physically incapable of covering lengthy court sessions without assistance, and his time was consumed with managing and sheparding the OCDETF complex case loads of five OCDETF AUSAs.

*In the Matter of Multiple Representation: Roark, Duntley, & Lopez*  
Cause No.: EP-06-CR-1369FM  
Government's Motion for Leave to file Response and Opposition to  
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CERTIFICATE OF SERVICE

I hereby certify that on July 18, 2007, I electronically filed the foregoing with the Clerk of the court using the CM/ECF system which will send notification of such filing to Ms. Mary Stillinger.

By: \_\_\_\_\_/s/\_\_\_\_\_  
Debra P. Kanof

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<b>ERNIE LOPEZ</b>	§	

**ORDER**

On this the date, came on the be considered the Government's Motion for Leave to file Response and Opposition to Motion to Strike Motion to Disqualify Counsel for Conflict of Interest Out of Time, filed in the above styled and numbered cause.

The Court finds that the motion should be GRANTED, and the Government is granted leave to file its Response and Opposition to Motion to Strike Motion to Disqualify Counsel for Conflict of Interest on or before July 19, 2007, at 5:00 p.m.

Signed this the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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FRANK MONTALVO  
United States District Judge