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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RONALD GRUSD (1),
CALIFORNIA IMAGING
NETWORK MEDICAL GROUP (5),
WILLOWS CONSULTING GROUP
(6),

Defendant.

Case No. 15-cr-2821-BAS
**ORDER GRANTING JOINT
MOTION**
[ECF No. 151]

Presently before the Court is the parties’ joint motion to: (1) vacate the January 24, 2017 trial date; (2) continue the motion hearing to December 19, 2016; and (3) exclude time between October 11, 2016 and December 19, 2016 under the Speedy Trial Act, 18 U.S.C. § 3161(h)(6)(D) and (h)(7)(A). At the request of the parties, the Court excluded time from October 11, 2016 through December 19, 2016 at the previous motion hearing held on October 2016. However, “an ‘ends of justice’ exclusion must be (1) ‘specifically limited in time’ and (2) ‘justified [on the record] with reference to the facts as of the time the delay is ordered.’” *United States v.*

1 *Ramirez-Cortez*, 213 F.3d 1149, 1154 (9th Cir. 2000) (alteration in original, emphasis
2 removed).

3 Consequently, in addition to the findings at the motion hearing, the Court
4 makes the following factual findings that apply to the exclusion of time:

- 5 (1) The Indictment charges multiple defendants, including four companies,
6 with: conspiracy to commit honest services mail and wire fraud, mail
7 fraud, and violations of the Travel Act; honest services mail fraud; and
8 criminal forfeiture;
- 9 (2) The discovery produced by the United States to date consists of multiple
10 gigabytes of data, including reports, emails, medical claim files, audio
11 recordings and video recordings;
- 12 (3) This case is an unusually complex prosecution, as contemplated by 18
13 U.S.C. § 3161(h)(7), in that it involves: (a) a criminal charge with
14 multiple defendants and overt acts; (b) the evaluation of significant
15 amounts of evidence; and (c) the involvement of multiple witnesses; and
- 16 (4) Defendants retained new counsel, who made his first court appearance
17 on October 11, 2016. Counsel has represented that he had not had an
18 opportunity to review any of the discovery, and requested to vacate the
19 trial date. Counsel has not submitted a signed copy of the Protective
20 Order, permitting him access to the discovery.

21 Taking into account the exercise of due diligence by Defendants, the Court
22 finds that that the amount of discovery and the nature of the charges make it
23 unreasonable to expect adequate preparation for pretrial proceedings or trial within
24 the time limits established by the Speedy Trial Act. Failure to grant the requested
25 continuance would deny new counsel the reasonable time necessary for effective
26 preparation and result in a miscarriage of justice.

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1 Accordingly, the Court: (1) **VACATES** Defendants' January 24, 2017 trial
2 date; (2) **CONTINUES** the motion hearing to **December 19, 2016** at **10:00 a.m.**;
3 and (3) **ORDERS** the time between October 26, 2016 and December 19, 2016
4 excluded pursuant to the Speedy Trial Act.

5 **IT IS SO ORDERED.**

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7 **DATED: November 18, 2016**


8 **Hon. Cynthia Bashant**
9 **United States District Judge**

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