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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
LOUIS A. VITALE, and STEVEN M.  
KELLY,  
Defendant.

CR 07-00575-TUC-HCE  
CR 07-00576-TUC-HCE

**ORDER**

UPON consideration of respective counsel's motions, responses and replies and oral argument on August 13, 2007,

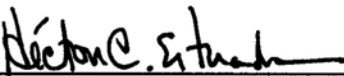
IT IS ORDERED that:

1. Defendants' Motion for Jury Trial is DENIED;
2. Defendants' Motion for Dismissal is DENIED;
3. Defendants' Motion for Discovery is DENIED as moot;
4. Government's Motion In Limine to Admit Res Gestae Evidence of Defendant Vitale's Other Acts is DENIED;
5. Government's Motion In Limine to Preclude the Use of Certain Defenses is GRANTED;
6. Government's Motion for Judicial Notice is GRANTED as stipulated to by Defendants;

1 IT IS FURTHER ORDERED that counsel for the Government and Defendants Vitale and  
2 Kelly are to confer regarding reasonable length of trial in light of the Court's rulings and  
3 arrive at three alternative and mutually convenient dates for trial and so inform the Court  
4 within 10 days of this Order.

5 IT IS FURTHER ORDERED that a hearing will be held on **Friday, September 21, 2007**  
6 **at 11:30 a.m.** to address whether Defendant Vitale's conditions of release should be  
7 modified. Defendant Vitale is to be present at this hearing.

8 DATED this 4<sup>th</sup> day of September, 2007.

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12 Héctor C. Estrada  
13 United States Magistrate Judge  
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