

1 Paul J. Cambria, Jr. (NY Bar No.1430909, admitted *pro hac vice*)
 2 Erin McCampbell Paris (NY Bar No. 4480166, admitted *pro hac vice*)
 3 LIPSITZ GREEN SCIME CAMBRIA LLP
 4 42 Delaware Avenue, Suite 120
 5 Buffalo, New York 14202
 6 Telephone: (716) 849-1333
 7 Facsimile: (716) 855-1580
 8 pcambria@lglaw.com
 9 emccampbell@lglaw.com
 10 *Attorneys for Michael Lacey*

11 Gary S. Lincenberg (CA Bar No. 123058, *admitted pro hac vice*)
 12 Ariel A. Neuman (CA Bar No. 241594, *admitted pro hac vice*)
 13 Gopi K. Panchapakesan (CA Bar No. 279856, *admitted pro hac vice*)
 14 BIRD, MARELLA, BOXER, WOLPERT, NESSIM,
 15 DROOKS, LINCENBERG & RHOW PC
 16 1875 Century Park East, 23rd Floor
 17 Los Angeles, California 90067-2561
 18 Telephone: (310) 201-2100
 19 Facsimile: (310) 201-2110
 20 glincenberg@birdmarella.com
 21 aneuman@birdmarella.com
 22 gpanchapakesan@birdmarella.com
 23 *Attorneys for John Brunst*

24 Additional counsel listed on next page

25
 26
 27
 28

**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF ARIZONA**

United States of America,
 Plaintiff,
 vs.
 Michael Lacey, *et al.*,
 Defendants.

NO. CR-18-00422-PHX-DJH

**DEFENDANTS' MOTION TO DISMISS
 OR TO STRIKE TESTIMONY, AND
 REQUEST FOR A HEARING DUE TO
 THE GOVERNMENT'S JENCKS AND
 BRADY VIOLATIONS**

1 Eric Kessler
2 KESSLER LAW GROUP
3 6720 N. Scottsdale Rd., Suite 210
4 Scottsdale, AZ 85253
5 Telephone: (480) 644-0093
6 eric@kesslerlawgroup.com
7 *Attorney for Scott Spear*

8 Bruce Feder (AZ Bar No. 004832)
9 FEDER LAW OFFICE PA
10 2930 E. Camelback Road, Suite 160
11 Phoenix, Arizona 85016
12 Telephone: (602) 257-0135
13 bf@federlawpa.com
14 *Attorney for Scott Spear*

15 David Eisenberg (AZ Bar No. 017218)
16 DAVID EISENBERG PLC
17 3550 N. Central Ave., Suite 1155
18 Phoenix, Arizona 85012
19 Telephone: (602) 237-5076
20 Facsimile: (602) 314-6273
21 david@deisenbergplc.com
22 *Attorney for Andrew Padilla*

23 Joy Malby Bertrand (AZ Bar No. 024181)
24 JOY BERTRAND ESQ LLC
25 P.O. Box 2734
26 Scottsdale, Arizona 85252
27 Telephone: (602)374-5321
28 Facsimile: (480)361-4694
joy.bertrand@gmail.com
Attorney for Joye Vaught

Motion

The Defendants, by and through their undersigned counsel, move for a dismissal of the indictment or, in the alternative, for an order striking the testimony of government witnesses Carl Ferrer and Quoc Thai relating to money transfers through accounts referenced in Exhibit “A,” the 90-page November 4, 2021, Asset Tracing Report by Quoc Thai and Lyndon Versoza (hereafter, the “Thai Report”). This motion is premised on the government’s failure to disclose a statement co-authored by Mr. Thai until after the close of evidence, in violation of both 18 U.S.C. § 3500 and the requirements of *Brady v. Maryland*, 373 U.S. 83 (1963). Because the full extent of the government’s disclosure violation is not yet known, Defendants respectfully request an evidentiary hearing to fully develop the record on the violation to guide this Court as to the proper remedy.

Memorandum

1. The Government’s Untimely Disclosure

On November 8, 2023, government counsel emailed the Thai Report to defense counsel, saying it “may” be considered a “statement” subject to disclosure under 18 U.S.C. § 3500 because the statement was co-authored by government witness Quoc Thai. Along with the Thai report, the government transmitted to defense counsel an October 18, 2023, email from Mr. Thai to government counsel describing the Thai Report as a report “Lyndon [Versoza] and I put together years ago” (Exhibit B).

In his October 18 email to government counsel, Mr. Thai said: “I wanted to share with you the latest draft of the tracing document that Lyndon and I put together years ago. You might already have a copy of a prior draft.” The Thai Report is a Microsoft Word file with the name “2018-07-20 TRACING FOR ALL ASSETS QT_LV Edits 5.docx,” suggesting that the Report initially was created more than five years ago *and* that there are four earlier versions of the Report that have yet to be produced. On its cover page, the Report says that it was updated November 4, 2021. Moreover, the text of the Report suggests there also is a version 6 of the Report, as the Report says on the page numbered 71: “As set forth below, financial

1 transactions involving illicit proceeds were deposited (TRACING TO BE COMPLETED
2 ON MONDAY).” *The government has yet to produce any prior or subsequent versions of the Thai Report.*

3 The government has long possessed the Thai Report. It was part of an October 18,
4 2023 email between Mr. Thai and government counsel (the day after Thai completed his trial
5 testimony and well before the close of evidence in this case). Nonetheless, government
6 counsel withheld the Thai Report until after the conclusion of the trial.

7 **2. The Thai Report Was Material**

8 The defense plainly could have used the untimely Jencks material to cross-examine Quoc
9 Thai and Ferrer on the indictment’s money laundering counts. The following statements of
10 Mr. Thai from the Thai Report could have been using during cross:

- 11 • The Thai Report states that “M.G.” (presumably Michael Gage, the CFO of Backpage
12 after its sale to Ferrer in April 2015) was the “sole signatory” on the Posting Solutions,
13 LLC account. Exh. A at ¶ 1. This statement could have been used to counter the
14 impression delivered by Ferrer and the government that Brunst and other Defendants
15 still maintained control over Backpage bank accounts following the sale of the business.
- 16 • Throughout his Report, Thai referenced “Backpage Operators” in regard to the
17 individuals who formed companies, opened bank accounts, and purportedly engaged
18 in deceptive conduct towards banks and credit card companies. These discussions in
19 the Report could have been used to examine Thai regarding whom he considered to
20 be a “Backpage Operator.” Ferrer appears to be the only individual identified in this
21 respect. *Id.* at ¶ 2.
- 22 • Thai states in the Report that “[a] go-between is an account set up for the main purpose
23 of transferring funds from one or more bank accounts to one or more other bank
24 accounts. Commonly used as a means of concealing the original source of the funds.”
25 *Id.* at p. 9 n.1. As to the indictment’s concealment money laundering counts, the
26 defense could have cross-examined Thai regarding whether and to what extent the
27 Cereus Properties account at BBVA Compass Bank identified in these counts was used
28 as a “go-between” account for the purposes of concealment, as opposed to an account

1 that the sellers of Backpage (Lacey, Larkin, Spear, and Brunst) merely used to receive
2 loan payments on the sale of Backpage per Ferrer’s direct testimony. The Thai Report
3 does not identify the Cereus Properties account as a “go-between” account (yet makes
4 this claim about other accounts), an omission that could have been used during cross
5 of Thai to establish that the Cereus Properties account was not used to conceal the
6 source of funds as to the indictment’s concealment money laundering counts (Counts
7 53-62).

- 8 • Throughout his Report, Thai said “[i]n furtherance of their money laundering scheme,
9 and in an attempt to further conceal the true nature of the money,” as a preface to his
10 description of a bank account. *See, e.g., id.* at ¶¶ 8, 13, 14, 16, 18, 24, 27, 28, 61, 146(a).
11 This places the Report in its proper context, namely that it is a report concerning the
12 indictment’s money laundering allegations, not merely forfeiture as now claimed by the
13 government.
- 14 • Throughout his Report, Thai said that – based on statements Ferrer made to him –
15 foreign companies and agreements with foreign partners were set up by Backpage “for
16 the sole purpose of allowing purchasers of prostitution ads to purchase ads on
17 Backpage websites while evading the credit card company blockade.” *See, e.g., id.* at ¶¶
18 34, 36, 39, 41, 46, 54, 65 (referencing companies like Gold Leaf SRO, Protecctio SRO,
19 and Varicok Company SRO). The implication from the Thai Report is that *it was*
20 *Ferrer* – not Brunst or any other Defendant – who set up these companies and made
21 these arrangements. With the benefit of this Report, the defense could have combatted
22 the government’s sweeping claim that Brunst or other Defendants were involved in
23 setting up foreign bank accounts and managing them, even after the sale of Backpage
24 in April 2015.

25 Additionally, the defense could have used the Thai Report to directly impeach Mr. Thai on
26 a critical issue pertaining to the money laundering charges. Specifically, the government
27 elicited (false) testimony from Thai that “Cereus Properties appears to be an entity used to pay
28 the various payroll expenses of the . . . activity relating to the Backpage.com.” Trial Tr.,

1 10/13/23 a.m., at 136/16-20. This testimony was made with reference to the indictment's
2 money laundering charges concerning wire transfers to Cereus Properties, each of which
3 occurred *after* the April 2015 sale of Backpage. *E.g.*, Doc. 230 at Counts 53-62, 64-68. There
4 was not a shred of evidence at trial or anything in the discovery produced by the government
5 corroborating Thai's assertion regarding Cereus Properties. Yet the government repeated this
6 testimony during its closing argument in support of the indictment's promotional money
7 laundering counts. Trial Tr., 10/27/23 a.m., at 26:5-13 ("Well, Cereus Properties appears to
8 be an entity used to pay the various payroll expenses. This is the promotional money
9 laundering. Plowing the money back in or the activity related to Backpage.com.").

10 The Thai Report, however, *confirms the opposite*, noting that "[o]n August 2 and
11 August 8, 2017, Prosperity Account bank '7188 wired \$33,700 and \$44,000, respectively, to
12 S&W Payroll, *a company Backpage uses to pay its employees.*" Exh. A at ¶ 21(a)
13 (emphasis added). In other words, Thai admitted, in a document he co-authored, that (1)
14 S&W Payroll (not Cereus Properties) was Backpage's payroll company following the sale of
15 Backpage and (2) the funds for Backpage's payroll came from Prosperity Bank. As noted
16 above, Thai stated in his Report that Michael Gage (Backpage's CFO following the sale) was
17 the sole signatory on the Prosperity Bank account (not Brunst or any of the other Defendants)
18 and that the account was held by Posting Solutions, LLC (not Cereus Properties). *Id.* at ¶ 1.
19 Without this obviously impeachable testimony from Mr. Thai, the government has no case as
20 to promotional money laundering.

1 Finally, in its opening statement,¹ in its closing statements,² and through testimony the
2 government repeatedly elicited during the trial,³ the government told the jury that Backpage
3 had its customers pay for ads by mailing money orders to Posting Solutions, LLC's post office
4 box (*e.g.*, Gov't. Exh. 2044, p. 26), with the aim of concealing that those payments were
5 associated with Backpage. The Thai Report discloses, however, that when Posting Solutions
6 applied for its post office box in Dallas, Texas, it disclosed on the application that
7 Backpage.com, Website Technologies, Carl Ferrer, and other "Backpage Operators" would be
8 registered users of the post office box:

9 2. "Posting Solutions' application for the USPS Dallas,
10 Texas P.O. BOX. lists the box being registered to "Website
11 Technologies, LLC/Backpage.com." Also listed on the P.O.

12 ¹ "Money orders deposited into shell company bank accounts, and money moved to other
13 Backpage shell companies." (Tr. Trans., 8/31/23 p.m., p. 171:3-8)

14 ² "You heard lots of evidence that they were having banking issues, so they have to engage
15 in activities that conceal the origin, the source, the nature of that money." (Tr. Trans.,
16 10/27/23, p. 20:21-23); "[P]rostitute[s] bought ads on Backpage, they paid with money
17 orders, the money orders were deposited to shell company bank accounts, and the money
18 was moved to other Backpage shell companies. All about the concealment of money
19 laundering." ((Tr. Trans., 10/27/23, p. 24:16-21); "This is Defense Exhibit 5364. This
20 shows sort of the web of concealment; right? ... [T]hey created all these holding companies
21 at the sale with the idea that they would actually conceal the source of the money." (Tr.
22 Trans., 10/27/23, p. 25:18-22); "Counts 53 to 62 are concealment money laundering. It's
23 shown through the use of numerous shell companies that they didn't need for the first eight
24 years of Backpage's existence." (Tr. Trans., 11/01/23, p. 68:7-9).

25 ³ "[W]e're asking customers to mail us money orders. So they would go to 7-Eleven or the
26 Post Office and then mail us a money order.... And some days were \$70,000 a day coming
27 in on money orders." (Tr. Trans., 9/21/23 p.m., p. 45:19-46:4); "Well, we had a company
28 called Posting Solutions. So then we would open up a bank with the company Posting
Solutions and then deposit the checks under Posting Solutions.... [U]sually Monday was
an extremely busy day because you had the mail for, you know, Saturday, Monday, you had
multiple days and so there were times when it was over \$100,000 in money orders being
deposited. Q. Did you ever advise the posters to make the money order out to Backpage?
A. No. We would not advise them because we didn't have a bank called Backpage so we
wouldn't be able to deposit them." (Tr. Trans., 9/21/23 p.m., p. 47:18-48:20); "Posting
Solutions was another shell company similar to, like, Website Technologies, very generic
sounding company that we could open bank accounts with....It was used to open up a
banking account and for money orders to be made in the name of Posting Solutions and
then those money orders would be deposited into the bank account." (Tr. Trans., 9/21/23
p.m., p. 89:6-24);

1 BOX Application were the names of several Backpage
2 Operators, including FERRER.

3 If the government had timely disclosed the Thai Report, the defense would have cross-
4 examined both Thai and Ferrer about Posting Solutions' disclosure to the federal government
5 of information that the prosecution claimed Backpage sought to conceal. Separate from and
6 in addition to its obligations under the Jencks Act, the government also was obligated to turn
7 the Thai Report (and related communications) over to the defense under *Brady*, as the Report
8 was "both favorable to the accused and 'material either to guilt or to punishment.'" *United*
9 *States v. Bundy*, 968 F.3d 1019, 1031 (9th Cir. 2020). "Brady evidence' can be favorable 'either
10 because it is exculpatory or impeaching'"—and this information was both. *Id.* The
11 prosecution has an affirmative obligation to learn of potentially favorable evidence and
12 provide it to the defense. *Id.* at 1038. Here, however, the government knew of the favorable
13 evidence, but kept it from the defense until after the close of evidence.

14 In sum, there are numerous statements in the Thai Report that could have been used
15 to cross-examine, impeach, and refresh recollection. These statements go to the heart of the
16 government's money laundering case, namely the alleged concealment of Backpage funds,
17 promotion of Backpage through wire transfers, and the role Ferrer played in these purported
18 schemes (and the comparative lack of a role Brunst and the other Defendants played).

19 **3. The government's disclosure obligations**

20 As discussed below in greater detail, the Thai Report (and its prior versions and any
21 subsequent versions) should have been disclosed to the defense long before the start of trial
22 as both Jencks and *Brady* material.

23 Under the Jencks Act, the government is required to produce any statement of the
24 witness in the possession of the United States that relates to the subject matter on which the
25 witness testified. "The purpose of production of statements is to give defendants
26 impeachment materials at a time when they can effectively use them." *United States v. McKoy*,
27 78 F.3d 446, 452 (9th Cir. 1996). This disclosure implicates more than just a defendant's
28 statutory rights. It is a matter of due process and fundamental fairness as recognized by the
Supreme Court in *Jencks v. United States*, 353 U.S. 657, 667-72 (1957). Further, the Supreme

1 Court has recognized that, “in some situations, denial of production of a Jencks Act type of a
2 statement might be a denial of a Sixth Amendment right.” *United States v. Augenblick*, 393 U.S.
3 348, 356 (1969). Additionally, the Ninth Circuit has recognized that when a conviction “rests
4 heavily on the credibility of a single accomplice...the unproduced Jencks material may well
5 implicate confrontation clause or compulsory process issues.” *United States v. Wallace*, 848 F.2d
6 1464, 1471 (9th Cir. 1988).

7 “The Jencks Act requires the government to produce any written statements by a
8 government witness that relate to the subject matter of any direct testimony by the witness.”
9 *United States v. Brumel-Alvarez*, 991 F.2d 1452, 1463 (9th Cir. 1992). “Moreover, it is sufficient
10 that, in determining whether the statements in question ‘related to’ the direct testimony of the
11 witness, it must relate ***generally to the events and activities testified to.***” *Id.* at 1464
12 (quoting *United States v. O’Brien*, 444 F.2d 1082, 1086 (7th Cir. 1971)) (alterations and
13 quotations omitted, emphasis in original). “There are no exceptions to the Jencks rule that all
14 statements relevant to the subject matter of the witness’ testimony must be produced after
15 direct examination of the witness.” *United States v. Bibbero*, 749 F.2d 581, 585 (9th Cir.)
16 (reversing conviction because government failed to produce all versions of a DEA report); *see*
17 *also United States v. Carrasco*, 537 F.2d 372, 375-76 (9th Cir. 1976) (reversing conviction because
18 trial court failed to strike witness testimony under Jencks concerning the government’s failure
19 to disclose that the witness provided the government with a “diary” that the witness referred
20 to as the “original report” concerning drug transactions, even though the government’s agent
21 claimed that the agent had included all information from the “original report” in his notes of
22 the witness’s interview).

23 Courts routinely order pretrial disclosure of all Jencks materials, as this Court did here,
24 ordering the government to produce all Jencks Act statements on or before February 25, 2019,
25 and then ordering a final disclosure no later than August 20, 2019. (Docs. 131, 730.)⁴ Here,
26

27 ⁴ Notably, upon the filing of an *ex parte* motion by the government, the Court extended
28 the deadline for disclosure of Jencks Act statements by Mr. Ferrer to June 25, 2019. (Doc.
535.) When the government failed to comply with this order, the Defendants filed a motion
to compel. (Doc. 662.) The Court then ordered the government to disclose all Jencks Act

1 the Court took such a broad view of the disclosure requirements that the Defendants were
2 required to disclose text messages in which a defense witness texted a link to his published
3 resume and an email from a defense investigator in which the investigator transmitted a
4 handful of government exhibits to the witness, on the bases that these communications could
5 be deemed to be “statements” of the witnesses under Rule 26.2. As discussed below, the Thai
6 Report has far more relevance to the substance of witness testimony than these ordered
7 disclosures.

8 **4. Jencks Act Remedies**

9 Critically, the Jencks Act provides remedies for the defense when, like here, the
10 government fails to comply with its disclosure obligations. “Enforcement of the Jencks Act
11 is an affirmative duty of the trial court,” which “may not rely on government assertions alone
12 to resolve disputes about the adequacy of disclosure under the Act.” *United States v. McKenzie*,
13 768 F.2d 602, 607-08 (5th Cir. 1985). “If the United States elects not to comply with an order
14 of the court under subsection (b) or (c) hereof to deliver to the defendant any such statement,
15 or such portion thereof as the court may direct, the court shall strike from the record the
16 testimony of the witness, and the trial shall proceed unless the court in its discretion shall
17 determine that the interests of justice require that a mistrial be declared.” 18 U.S.C. § 3500(d).
18 Further, under Rule 26.2 of the Federal Rules of Criminal Procedure (“Rule 26.2”), “which
19 basically implements the Jencks Act,” if the government fails to comply with its disclosure
20 obligations, the district court “shall declare a mistrial if required by the interest of justice.”
21 *United States v. Riley*, 189 F.3d 802, 805 (9th Cir. 1999) (quoting Rule 26.2(e)). “In imposing
22 sanctions against the government for violations of the Jencks Act, the district court should
23 consider the culpability of the government . . . and the injury to the defendants.” *United States*
24 *v. McKoy*, 78 F.3d 446, 451 (9th Cir. 1996) (affirming grant of mistrial due to government’s
25 unintentional failure to disclose Jencks Act material).

26 _____
27 material not previously disclosed no later than August 20, 2019. (Doc. 730.) The disclosure
28 of the Thai Report occurred on November 8, 2023, more than four years after the deadline
for Jencks Act disclosures and, more importantly, after the close of evidence.

1 “It is now well established that individual ‘notes and reports’ of agents of the
2 Government who testify for the Government, made in the course of a criminal investigation,
3 are the proper subject of inquiry and may be subject to production under the Jencks Act.”
4 *United States v. Johnson*, 521 F.2d 1318, 1319 (9th Cir. 1975) (vacating conviction because,
5 although the government disclosed the case agent’s report, the government failed to disclose
6 the case agent’s written notes and, if the notes constituted a Jencks Act “statement,” which
7 the district court was required to determine on remand, the district court must grant the
8 defendant a new trial if his substantial rights were affected by the failure to make the statement
9 available). The lengthy Thai Report clearly constitutes “notes or a report” of a government
10 witness. There can be no dispute that the content of the Report ‘related to’ the direct
11 testimony of Thai and Ferrer. The Thai Report discusses financial transactions, statements by
12 Ferrer, and facts about Ferrer (such as his ownership interest in various entities) that were the
13 focus of the government’s case in chief. As a result, the tracing report is subject to this Court’s
14 disclosure orders. *See, e.g., Brumel-Alvarez*, 991 F.2d at 1463-64 (reversing conviction because
15 government’s failure to disclose a memorandum written by a government witness that related
16 to the testimony of the witness violated the Defendant’s rights under the Jencks Act, among
17 other rights).

18 It also is troubling that the only reason the government has now produced the Thai
19 Report seems to be that Mr. Thai put it at the top of the prosecutors’ in-box during trial. Once
20 he did so, the government faced the dilemma of continuing to withhold the Jencks material
21 hoping the defense would never learn of it versus disclosing it late and risking that the Court
22 would strike Mr. Thai’s trial testimony. On October 18, the government apparently chose the
23 former, to continue to withhold the Report. Post-trial, in anticipation of Mr. Thai testifying
24 again, the government apparently chose the latter (hoping this Court would not sanction it for
25 the discovery violation). Of course, the government’s decision not to produce the Thai Report
26 on October 18 further precluded defense counsel from considering the Report in formulating
27 strategy over what defense witnesses to call, what to say in response to the government’s
28 closing arguments on the wire transfers, and how to respond to the government’s arguments

1 regarding the purpose of the establishment of entities such as Website Technologies and
2 Posting Solutions.

3 Moreover, the prejudice to the Defendants is particularly egregious here because the
4 Jencks Act material at issue concerns the government's *only* witness on the wires relating to
5 the 49 money laundering counts, Mr. Thai, and its most important witness in the case, Mr.
6 Ferrer. While prejudice need not be shown to establish a discovery violation, the deprivation
7 has caused undue prejudice to the Defendants because "the withheld evidence could have
8 affected the outcome of the trial." *See, e.g., Brumel-Alvarez*, 991 F.2d at 1464 (concluding that
9 the failure to disclose a memorandum concerning a case agent's impressions of a central
10 government witness was not harmless and undermined the outcome of the trial).

11 **5. The Court Should Hold an Evidentiary Hearing**

12 Defendants are entitled to a hearing to develop the full record on the violation and to
13 enable this Court to fashion an appropriate remedy. The hearing is particularly important
14 here, where the document at issue refers to prior versions and a future version, the document
15 contains statements from witnesses (such as Ferrer's contributions), and the circumstances
16 that led to the failure to timely disclose the statement are unknown.

17 In *United States v. Miller*, 771 F.2d 1219 (9th Cir. 1985), the Ninth Circuit explained that
18 the district court commits error when it relies on statements from government counsel
19 claiming that a particular witness statement is not Jencks material. *See id.* at 1231-33. Instead,
20 the proper course of action is to conduct a hearing to determine whether the statement is
21 Jencks material and, if so, the circumstances that led to the failure to disclose the statement.
22 *See id.; accord Campbell v. United States*, 365 U.S. 85, 92-99 (1961) (indicating that an evidentiary
23 hearing is "a proper, even a required, proceeding" when the government disputes whether a
24 statement constitutes Jencks material and when the creation of the statement is at issue); *United*
25 *States v. Smith*, 746 F.2d 1183, 1184 (6th Cir. 1984) (reversing conviction for district court's
26 acceptance of government statement and failure to hold a hearing and noting that "[our] cases
27 have held that such a hearing is required whenever there is a disputed request for Jencks Act
28

1 material in order to determine whether the documents in question are actually statements of a
2 witness”).

3 RESPECTFULLY SUBMITTED this 13th day of November, 2023,

4
5 Paul J. Cambria, Jr.
6 Erin McCampbell Paris
7 LIPSITZ GREEN SCIME CAMBRIA LLP

8 By: /s/ Paul J. Cambria, Jr.
9 Paul J. Cambria, Jr.
10 Attorneys for Michael Lacey

11 *Pursuant to the District’s Electronic Case Filing Administrative Policies and Procedures Manual (Jan. 2020) § II (C) (3), Paul J. Cambria hereby attests that all other signatories listed, and on whose behalf this filing is submitted, concur in the filing’s content, and have authorized its filing.*

12
13 Gary S. Lincenberg
14 Gopi K. Panchapakesan
15 BIRD, MARELLA, BOXER, WOLPERT, NESSIM,
16 DROOKS, LINCENBERG & RHOW, P.C.

17 By: /s/ Gary Lincenberg
18 Gary Lincenberg
19 Attorneys for John Brunst

20 Eric W. Kessler
21 KESSLER LAW OFFICE

22 By: /s/ Eric W. Kessler
23 Eric W. Kessler
24 Attorneys for Scott Spear

25 Bruce Feder
26 FEDER LAW OFFICE, P.A.

27 By: /s/ Bruce Feder
28 Bruce Feder
Attorneys for Scott Spear

1 David Eisenberg
2 DAVID EISENBERG, P.L.C.

3 By: /s/ David Eisenberg
4 David Eisenberg
5 Attorneys for Andrew Padilla

6 Joy Bertrand
7 JOY BERTRAND, ESQ.

8 By: /s/ Joy Bertrand
9 Joy Bertrand
10 Attorneys for Joye Vaught

11 On November 13, 2023, a PDF version of this document was
12 filed with Clerk of the Court using the CM/ECF System
13 for filing and for Transmittal of a Notice of Electronic
14 Filing to the to the CM/ECF registrants who have
15 entered their appearance as counsel of record
16
17
18
19
20
21
22
23
24
25
26
27
28